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Sous la direction de **KARL HANSON**

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## **TITRE DU MÉMOIRE**

**The American children's rights movement and  
countermovement in interaction:  
A case study of the Campaign for US ratification of the  
CRC and ParentalRights.org**

## **MÉMOIRE – Orientation RECHERCHE**

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### His Name is Today

We are guilty of many errors and many faults,  
But our worst crime is abandoning the children,  
Neglecting the fountain of life.  
Many of the things we need can wait,  
The child cannot wait.  
Right now is the time his bones are being formed,  
His blood is being made,  
And his senses are being developed.  
To him we cannot answer 'tomorrow'  
His name is Today.

Gabriela Mistral  
Chilean poet,  
1889-1957

**Summary**

The United Nations Convention on the Rights of the Child (UNCRC or CRC) is an international human rights treaty which recognizes that all children possess fundamental human rights. The United States government has not ratified the CRC, despite the fact that within the US, the children's rights movement has continually advocated for CRC ratification. Their efforts remain unsuccessful, in part due to the existence of the parental rights movement, which has adopted an anti-CRC stance, by calling upon the American public and government to reject the Convention.

This paper takes a closer look at two major organizations which play a role in advocating for or against CRC ratification in the US: the two organizations are the Campaign for US Ratification of the CRC and ParentalRights.org. The research will borrow concepts from Keck & Sikkink and Hertel on transnational human rights advocacy, and seek to apply their theory to a single-country setting, in order to comment upon the patterns of campaign emergence and interaction.

Finally, as a conclusion to the work, recommendations will be given to the Campaign for US Ratification of the CRC on ways to render their pro-CRC advocacy more effective.

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## Introduction

I began working on my Master's thesis in February of 2012. While rereading my notes from the previous semester at the IUKB, I recalled that during a course on international humanitarian law, the lecturer had mentioned in passing that the United States remained one of the last states not to have ratified the United Nations Convention on the Rights of the Child (CRC). Being a US citizen, this situation intrigued me greatly, and I decided to explore the literature relative to the ratification of the CRC by the US in search of more information.

While scouring the internet, I easily unearthed dozens of articles spanning over the last two decades on the subject of US-CRC ratification. I found that the publications could be classified into two categories: (1) Those which explained that the US' failure to ratify the CRC was due to the opposition by the American conservative right, and (2) Those which hypothesized that the future ratification of the CRC by the US would have a real and positive impact on the lives of American children, as well as children abroad. I understood that in order to produce a truly original piece of research, I needed to steer clear of the conclusions that had been reached in these earlier publications, and seek out an innovative angle by which to tackle the question of US-CRC ratification.

My search for an original approach to the question of US-CRC ratification brought me to seek out the advice of my thesis supervisor, Professor Karl Hanson. He put me in contact with Edward O'Brien, an alumnus of the IUKB and the executive director emeritus of Street Law, Inc.<sup>1</sup> O'Brien was particularly helpful in sharing his knowledge on the US children's rights movement. During one of our telephone conversations, he touched upon the subject of US-CRC ratification and brought to my attention the existence of a group of American children's rights activists who had come together to form the Campaign for US Ratification of the CRC. O'Brien had professional ties with members of the Campaign Steering Committee.

Members of the Campaign Steering Committee were receptive to the idea that I conduct an academic study into the US children's rights movement which would especially focus on the activities of the Campaign. One member had remarked on

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<sup>1</sup> For more on Street Law, Inc. Retrieved 14.08.2012: [http://www.streetlaw.org/en/about/who\\_we\\_are](http://www.streetlaw.org/en/about/who_we_are)



the fact that, to his knowledge, very few students had used the Campaign as a research terrain for their study into children's rights. I was excited to have uncovered an unexplored facet of the US children's rights movement, which would make for an original research opportunity.

Through members of the Campaign Steering Committee, I learned that the Campaign is especially active on the internet, through their website, used as a platform for petition signing and event planning<sup>2</sup>. The main objective of the Campaign is to obtain US ratification of the CRC. I also learned that the Campaign's activities had been derailed by religious and politically conservative groups, who opposed US-CRC ratification since they consider the convention to be an infringement upon American law, sovereignty and values. These groups have formed a countermovement to the children's rights movement. I was able to identify the main opposing group, ParentalRights.org<sup>3</sup>, which has also chosen the internet as its venue of choice. The goal of ParentalRights.org is to prevent the future US ratification of the CRC and to promote "parental rights".

The future of US-CRC ratification weighs in the balance as pro and anti-CRC forces engage in a seemingly endless tug-of-war. The outcome of this conflict will deeply affect future policy decisions made in the arena of child protection and welfare in the United States. The Campaign for the Ratification of the CRC and ParentalRights.org are presently engaged in a campaign/countercampaign conflict, as they represent the views of the broader movement and countermovement they stem from. This situation called for an exploration of the literature on social movement theory. While research into movements and countermovements is a domain of growing academic interest, such research has not been extended to the field of children's rights. I decided to devote my thesis to the topic of movement/countermovement dynamics occurring within the children's rights movement. In order to this, I would employ theories gleaned from social movement theory, and base my findings on a study of the two conflicting campaigns. The study will be structured as follows:

Chapter 1 starts off with a formulation of the thesis problem: The scope and aim of the paper will be discussed, and the reader may become familiar with the research

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<sup>2</sup> Campaign for US ratification of the CRC. Retrieved 14.08.2012: <http://www.childrightscampaign.org/>

<sup>3</sup> Campaign for Parental Rights Amendment. Retrieved 15.08.2012. : <http://parentalrights.org/>

questions which guide this study. The problem formulation will be followed by a brief section which comments upon the interdisciplinary nature of the study. The methodology which was followed in order to lead this research will be explained, and finally, the chapter will conclude with a short reminder of the ethical principles which guided the research.

Carrying out a study on children's rights in the US requires a prior understanding of the broader human rights movement in the United States. Chapter 2 therefore provides a historical overview of human rights in the US, from the beginning of the colonial period to the first term of Barack Obama. In parallel to the history of human rights in general, special attention will be given to the history children's rights, and to the various efforts to obtain CRC ratification in the US over the past twenty years. Special mention is made on the ideology of American exceptionalism, whereby American law is viewed as superior to international law. This ideology has heavily influenced the US' perception of the CRC.

Having provided the historical backdrop to the paper, it becomes clear that the CRC's road to ratification is fraught with obstacles. Chapter 3 delves further into the contentious situation which opposes pro and anti-CRC groups, by identifying the two major organizations which are at the forefront of the conflict: The Campaign for US Ratification of the CRC and ParentalRights.org. The chapter offers an in-depth description into the identity of the groups, their founders, missions and goals.

Chapter 4 offers some insight on the fundamental concepts belonging to social movement theory. The concepts of "movement" and "countermovement" will be specifically defined, in order to further delve into the specificities of the movement-countermovement relationship shared by the Campaign and ParentalRights.org.

Chapter 5 takes a closer look into the strategies which ParentalRights.org has adopted in order to counter the Campaign's children's rights message. It is apparent that the ParentalRights.org has successfully used "blocking mechanisms" as defined by Hertel (2006) to reject or discredit the Campaign's claims.

Interestingly, another UN human rights treaty, the Convention on the Rights of Persons with Disabilities (CRPD) is gaining support from American political parties and appears to be on the fast-track towards ratification. Chapter 6 will seek to understand why it is that the CRPD has succeeded where the CRC has failed: To

frame the treaty as to win the support from the American conservative Right. CRC advocates may have lessons to learn from CRPD advocates, especially in concern to effective framing strategies to persuade government and civil society to support a human rights treaty.

The research will conclude with a final chapter 7, in which recommendations shall be given to the Campaign for US Ratification of the CRC, aimed at making their advocacy more effective. The findings obtained throughout the study are summarized in a concluding section, which also makes mention of possibilities for future research opportunities.

## Chapter 1

### 1. Problem formulation and research questions

Over the past two decades, research on the development of social movements and countermovements has increased substantially. One of the most important contributions emerging from this scholarship is that these sets of opposing players not only interact with the state in pressing their claims, but perhaps more importantly influence and shape one another by appealing directly to – and competing for – the targeted audience in the general population (Meyer & Staggenborg, 1996).

This proposition has led researchers to study movement-countermovement interplay. Scientific inquiries have been made into numerous movements, including the labor movement (Dixon, 2008), the pro-choice movement (Rohlinger, 2002), and the father's rights movement (Crowley, 2009). The authors analyze movement and countermovement genesis, the relationship they share and their efficiency in attaining their goals. Yet in concern to the children's rights movement, the question of movement-countermovement dynamics remains vastly unexplored.

My paper will begin to remedy this deficit by conducting an investigation into the American children's rights movement, where US ratification of the United Nations Convention on the Rights of the Child (CRC) continues to represent a serious point of contention. In the early 1990s, US child rights advocates created the Campaign for US Ratification of The CRC, which has tirelessly campaigned in favor of ratification. In reaction to this stance, a small but vocal countercampaign composed of activists from the parental rights movement, ParentalRights.org, has dressed itself against the Campaign.

Past scholarly work on children's rights have explored the subject of US-CRC ratification in detail and have come to a set of common conclusions, namely that CRC-ratification has not been achieved in the US due to the shortcomings of the State: The lengthy treaty ratifying process in the US is blamed for the delay in ratification, as is the US government's reticence to accept a human rights framework in reforming the nation's public policy and legislation. While it is accepted that the State plays an indisputably key role in the creation, ratification and implementation of international human rights treaties, this paper will rather focus on the role of non-

state activists who have taken it upon themselves to either advocate for or against CRC ratification.

This paper adopts as its research terrain two conflicting social movements in the US today: The US children's rights movement and the US parental rights movement. The aim of the research is to provide a deeper understanding of the patterns of campaign emergence. Also, it is of interest to comment upon the patterns of campaign interaction which is taking place between movement and countermovement, by applying social movement theory to the field of children's rights. The research will seek to answer the following questions: How did the two opposing campaign come into existence? Can movement and countermovement be said to share a number of common features? And what features differentiate the movement and countermovement? How different are the advocacy strategies utilized by the campaign and countercampaign, and can one be said to be more successful at spreading their claim than another?

In order to provide the theoretical guidance for my case study, I will conceptualize the CRC ratification debate as a social movement phenomenon. In the process, I will be employing major concepts from social movement theorizing – namely framing. It will become apparent that while both campaign and countercampaign enjoy the relative freedom to adopt the discourse and actions of its choosing, these choices are nevertheless taken directly in reaction to the opposition's discourse and actions. Therefore the two opposing groups who are at the center of my study are greatly interdependent, and I wish to explore the depth and consequences of this interdependence.

I will contend that the creation of the Campaign may have succeeded in bringing the question of CRC ratification to forefront of national debate, but it has also created opportunities for opposition mobilization. From this premise, I will demonstrate how the opposition has successfully resorted to "blocking mechanisms", concepts defined by Shareen Hertel (Hertel, 2006). The countercampaign has responded by blocking the campaign by advancing three points: 1) American parents are being unjustly targeted by the Campaign 2) Linking the issue to different and equally important sets of values that are supported by the majority of the citizenry 3) Proposing the Parental Rights Constitutional Amendment, which would

prevent the ratification of the CRC for the foreseeable future if accepted by the US government.

Having detailed the patterns of interaction by which ParentalRights.org is undermining the message of the Campaign, I will conclude this paper by emitting a number of recommendations addressed to the Campaign, concerning new strategies which I believe would allow the Campaign to neutralize the opposition's attacks and achieve their goal of CRC ratification in a more timely and effective manner. The four recommendations made to the Campaigns concern 1) Employing a full-time campaign coordinator 2) Adopting a more aggressive style of advocacy 3) Changing the frame to include parents and families as beneficiaries of the CRC 4) Partnering with organizations which provide human rights education in schools in order to engage the youth in the CRC debate

## 2. The criterion of interdisciplinarity

The Kurt Bösch University Institute (IUKB) defines the Master's thesis topic in the following terms:

*"The thesis topic must be original (innovative research question), be integrated within the field of children's rights, and must be addressed in an interdisciplinary manner."<sup>4</sup>*

The IUKB thus requires that the thesis topic be addressed in an interdisciplinary manner. In order to better understand the concept of interdisciplinarity, it is helpful to begin by distinguishing "interdisciplinarity" from "multidisciplinarity". Rather confusingly, these terms have often come to be seen as synonymous. Multidisciplinarity refers to the simple juxtaposition of two or more disciplines. In this case, "the relationship between the disciplines is merely one of proximity; there is no real integration between them" (Klein, 1990, p. 56). According to Klein, the notion of "integration" is the key to understanding interdisciplinarity, which allows for two or more disciplines to be integrated into each other, a process which would result in the production of new forms of knowledge. But how does one go about integrating

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<sup>4</sup> Kurt Bösch University Institute Master Thesis Guidelines. Retrieved 20.08.2012.  
<https://docs.google.com/document/d/18BeGP3eEKMvJzBqytSb3w8mwhW-joKEh6ZHqMC2DDA/edit?pli=1>  
(personal translation from French original text)

discrete disciplines into one another? Roland Barthes suggests that "integration" is achieved when the artificial boundaries between the disciplines are torn down:

*"Interdisciplinarity is not the calm of an easy security; it begins effectively (as opposed to the mere expression of a pious wish) when the solidarity of the old disciplines breaks down... in the interests of a new object and a new language neither of which has a place in the field of the sciences that were to be brought peacefully together, this unease in classification being precisely the point from which it is possible to diagnose a certain mutation." (Barthes, 1977, p. 155)*

Therefore interdisciplinarity, according to Barthes, suggests a "mutation", i.e. a transformative process, whereby disciplines are brought together, giving way to a new discipline altogether. Interestingly, the discipline of children's rights is precisely the result of the same transformative process described by Barthes: in order to specialize in the field, the children's rights researcher must possess an understanding of the legal, social and psychological realities which influence the way children's rights are understood and realized.

The question of US-CRC ratification appears, at first, to belong exclusively to realm of the discipline of law, and more precisely to its subfield of international human rights law. But the question of CRC ratification cannot be considered as solely a legal phenomenon, since it is also a social phenomenon: Individuals have formed campaigns to advocate for or against the convention, thus participating in the formation of social movements. Therefore, to fully understand the question of US-CRC ratification, the researcher must integrate concepts of international law with concepts born from social movement theory. Additionally, research into social movements requires that the researcher seek to understand the motivations and ideologies of the movement participants. It is the discipline of psychology plays an important role in explaining participant behavior and rhetoric within a social movement. It is clear that these disciplines all provide equally important pieces to solve the puzzle of US-CRC ratification.

### **3. Methodology**

Researchers who wish to examine social phenomena in an immediate way have a number of choices in methodology. The three methods which were used in the

context of this research are secondary literature analyses, conversation analyses through interviews, and internet documentary analyses.

In order to successfully carry out a study of two ongoing and conflicting political campaigns in the US, it was necessary to collect the pertinent data which would permit me to confirm or infirm my hypotheses. Firstly, secondary literature was explored (official government documents, monographs and journal publications etc.) Given the interdisciplinary nature of this paper, it was not possible to rely on one single discipline to explain the phenomena at the center of the research. The secondary literature therefore explored a variety of subjects, such as international law, American law, human rights law, sociology, social movement theory, psychology, and ethics.

The information thus obtained through secondary sources was helpful, but remained insufficient: in order to gain insight into the specificities of the campaigns at the center of the study, I needed engage in discussions with the campaign actors. One-on-one interviews with key members of the campaigns would yield first-person, oral accounts of their personal experience, thus allowing me to access information which simply could not be gleaned solely through the analyses of secondary documentary sources.

Qualitative interviews are a key venue for exploring the ways in which subjects experience and understand their world. By interviewing the members of both organizations, the participants were able to describe their activities, experiences and opinions on their advocacy campaigns in their own words. During the course of this study, 3 members of the Campaign for US Ratification were interviewed (2 informally and 1 formally), and 1 member of ParentalRights.org was interviewed (informally). The informal interviews were carried out in the form of periodical telephone conversations. The formal interviews were semi-structured, and the questions were presented to the interviewee in advance. The interview has proven to be a uniquely sensitive and powerful method of capturing the experiences and lived meanings of the interviewee's world. Through the interview, I especially sought to out the meaning the interviewee gives to her or his experience as an advocate for or against CRC-ratification. I also sought to understand how the participant viewed the opposition's claims.



I had initially hoped to carry out interviews with all seven members of the Campaign for US Ratification of the CRC. Only two accepted to be interviewed. Concerning ParentalRights.org, the organization had immediately denied my request to conduct interviews with members of their staff, although I did manage to have regular email exchanges with a member of its staff. While I am unable to relate the contents of the emails, these conversations provided me with the information which helped me interpret the documents the organizations had released on its website.

Having secured the participation of only 2 interviewees, it was necessary to gather data in another way. The method of internet documentary analyses was adopted: I extensively sifted through the documents available on both of the organizations' websites, written by members. I was interested in the rhetorical work of the text, i.e. how the specific issue of CRC ratification is organized and how the organizations seek to persuade the public about the authority of their understanding of the issue. The organizations which advocate for or against US-CRC ratification seek to achieve two separated yet related task: To gain the public's support to their won cause while discrediting the opposing organization's arguments. By analyzing the rhetoric published on the ParentalRights.org website, the aim is to identify the ways this is rendered possible.

#### **4. Research ethics**

Before interviewing the campaign actors, I first needed to consider the ethical principles which would guide my research, and devise a framework aimed at establishing some rules to regiment the exchange between the researcher (myself) and the interviewees.

Most writers of social science adhere to the concept of informed consent (Simons, 2011, p. 26). The concept stipulates that study participants must give their permission to be interviewed or observed. Permission is to be given in full knowledge of the purpose of the research and of the consequences of taking part. It is imperative that the researcher truthfully inform the participant of the aim and purpose of the study. The two campaigns were contacted via email. They were informed of my affiliation to the IUKB and my desire to interview a number of persons involved in the campaigns for the purpose of researching my Master's thesis. The thesis problem

formulation was attached to the email, to provide a general outline of the subject and purpose of the thesis. By this process, future participants possessed all the necessary information to freely decide whether or not to participate in the study.

Once consent was thus obtained, an information sheet was sent to the participants via email, in which I reiterated, in further detail, the aim and scope of my study. An informed consent form was then forwarded the participants: the document states that the individuals participating in the interview give their consent, and acknowledge that they have come to the decision having been informed on all matters relative to the study. I also sent the participants a list of questions I was planning on asking during the interview.

In the case of this study, the matter of confidentiality is an especially sensitive issue. The participants are activists, presently engaged in opposing political campaigns. In speaking with me, they run the risk of divulging sensitive information which they would not like to be known by the opposition. Information could potentially be "leaked" to the opposition and might even alter the campaign outcomes. In the information sheet provided to the participants, I stated that the information obtained by interview would solely be used for the purpose of my thesis writing. The names of the interview participants would not be given in the text. This allayed the participants' concerns about having sensitive information "leaked" to the opposition.

After the interview, participants were given the opportunity to read the transcript of their interview before the submission date of the thesis (December 2012). This is an opportunity for the participants to comment upon and possibly add clarification to the transcript.

## Chapter 2

### 1. Introduction: Human rights in the United States, a historical overview

An inquiry into the state of children's rights in the US requires a prior consideration of the broader context of the US human rights movement. The following section is a brief introduction to the history of human rights in the US, beginning with an exploration of the European religious, philosophical and legal considerations which influenced the early American settlers' views on human rights during the 17<sup>th</sup> century. The American Revolution and the texts adopted thereafter played an essential role in developing domestic human rights. It was during the 20<sup>th</sup> century, through American involvement in the creation of the United Nations and the drafting of major human rights treaties, that the US actively participated in the creation of the international human rights regime. Paradoxically, it will be revealed that the US has refused to comply with the very same international norms it helped create. This situation has brought scholars to criticize the attitude of the US, referred to as "American exceptionalism", which continues to dominate American foreign policy in the field of human rights to this day.

#### 1.1 The colonization of America and human rights: Borrowing ideas and practices from England

The modern concept of human rights in the US can easily be traced to ideas and texts which originated from England (Lauren, 2009). Early legal developments in the area of human rights are said to have emerged from the *Magna Carta*<sup>5</sup> of 1215, a contract passed between King John of England (1199-1216) and his Barons, who were dissatisfied with the taxes being levied by the monarch. The *Magna Carta* is a political settlement which insured some basic protection of *freemen* (the privileged male elite) against being unlawfully imprisoned or harassed, but which failed to recognize any rights for the poor and vulnerable. Early American colonists of the 17<sup>th</sup>

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<sup>5</sup> *Magna Carta*: also known as *The Great Charter of the Liberties of England* on the limitations upon royal government and legal protections for certain individual liberties. The *Magna Carta* was important in the colonization of American colonies because England's legal system was used as a model for many of the colonies as they were developing their own legal systems. It influenced the early settlers in New England and inspired later constitutional documents, including the United States Constitution (Albisa, Davis & Soohoo, 2009).

century considered themselves to be the inheritors and beneficiaries of the rights that had evolved through the *Magna Carta*, in the form of the *Habeas Corpus Act*<sup>6</sup> of 1679 and the landmark *English Bill of Rights*<sup>7</sup> of 1689. These texts were heavily influenced by the philosophy of John Locke, who sought to clarify the rights of the governors and the governed in his *Two Treatises of Government* (1689). Locke based his theories on the premise that men freely enter into a social contract, which entitles the government to enforce laws as to ensure the protection of its citizens. Should the government exercise its power arbitrarily, then government power should be forfeited and devolved back to the people.

## **1.2 The American Revolution and human rights: the American Declaration of Independence, the American Constitution and the Bill of Rights**

The founders of the first English colonies in America were English puritan dissidents who sought to escape the intolerance of 17th century England. The establishment of Jamestown, Virginia in 1607 is generally considered the beginning of the colonization of North America by the British, although in popular culture it is the voyage of the Mayflower of 1620 which is commemorated as the founding myth of the American nation (Hennebel, 2009). The Mayflower transported a small group of English puritans across the Atlantic in order to escape religious repression. To the early settlers, the project of American colonization was seen as the will of God. They emigrated with the project of creating a new model of Church and society, affectionately referred to as the "New Jerusalem". The creation of the New World depended on the uncompromising observance of Calvinist puritanical dogma which regimented the organization of society.

Therefore, the American nation was, at its roots, a religious project. The early settlers sought to create a nation "*so exemplary by all moral standards that it would serve as a model to the corrupt European states back home*" (Marienstras, 1976, p. 96). Through time though, the decrease in religious fervor brought early Americans to view their nation not so much as a religious project than as a political endeavor. The

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<sup>6</sup> *Habeas Corpus Act*: Act of the Parliament of England passed during the reign of King Charles II to define and strengthen the ancient prerogative writ of habeas corpus, a procedural device to force the courts to examine the lawfulness of a prisoner's detention.

Retrieved 06.06.2012. [http://press-pubs.uchicago.edu/founders/documents/a1\\_9\\_2s2.html](http://press-pubs.uchicago.edu/founders/documents/a1_9_2s2.html)

<sup>7</sup> *English Bill of Rights* : Reflects the ideas about rights of the political thinker John Locke. It sets restates certain constitutional requirements of the Crown to seek the consent of the people, as represented in Parliament.

American Revolution broke with the American puritanical tradition and brought with it a laicization in discourse (Madsen, 1998). America had transformed itself into a fundamentally political project put into place by the Founding Fathers<sup>8</sup> of the United States of America. In order to safeguard their new way of life, the early colonizers understood the need to assert their independence from British rule. The US Declaration of Independence of 1776, written by Thomas Jefferson, introduced a new approach to the philosophy of human rights:

*"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their powers from the consent of the governed. That whenever any form of government becomes destructive of those ends, it is the right of the people to alter or to abolish it, and to institute a new government."*<sup>9</sup>

In line with Locke's theories, the declaration charges the King of England with tyranny and affirms the independence of the American colonies, which regard themselves as independent states, no longer part of the British Empire. This revolutionary declaration, together with the French *Declaration of the Rights of Man and of the Citizen*, represents the very first attempts to enshrine human rights as guiding principles in the constitutions of new states (Hennebel, 2009). Still, one must keep in mind that the said "rights" only applied to citizens of the state, not to mankind in general. Despite the fact that "all men" are proclaimed equal in the Declaration, fundamental rights continued to be denied to groups such as minorities, women, and children.

The *American Declaration of Independence* helped to spark the American Revolutionary War (1775-1783). By the end of the war, the new republic of the United States of America sought to institute a new government by consent and to provide for the protection of what were perceived as the unalienable rights of its citizens. The American Constitution was enacted in 1788 and established a federal government with a separation of powers, and enshrined the political rights of voting and holding

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<sup>8</sup> The Founding Fathers of the United States of America: political leaders and statesmen who participated in the American Revolution by signing the United States Declaration of Independence, taking part in the American Revolutionary War, and establishing the United States Constitution. Among the key Founding Fathers are John Adams, Benjamin Franklin, Alexander Hamilton, Thomas Jefferson, James Madison, and George Washington.

<sup>9</sup> American Declaration of Independence, July 4, 1776, § Retrieved: 13.04.2012.  
[http://www.archives.gov/exhibits/charters/declaration\\_transcript.html](http://www.archives.gov/exhibits/charters/declaration_transcript.html)

office. Despite such advances, citizens throughout the new republic believed that the Constitution offered too little protection for individual rights (Rakove, 1998). Such concerns brought rights advocates to mobilize a campaign for the purpose of adding amendments to the Constitution that specifically addressed and enumerated civil rights (Lauren, 2009). Twelve amendments were put forth, of which ten were ratified by the state legislatures, and came to be known as the *Bill of Rights* of 1791. Jefferson himself acknowledged that “*a bill of rights is what the people are entitled to against every government on earth*” (Lauren, 2009, p. 27). His statement points to the fact that already during the early republic, early Americans understood their views on human rights to be potentially exportable to the rest of the world.

### 1.3 Post-Revolutionary America and American Exceptionalism

In post-Revolutionary America, the nation was set to lead a mission of a decidedly political and moral nature. The young nation was on the path to rivaling the European states in terms of wealth, political influence and military strength. In his Farewell Speech dating from 1796, the first US President George Washington spoke of the future of American foreign policy, expressing his favor for American isolationism:

*“The great rule of conduct for us, in regard to foreign nations, is to have with them as little political connection as possible. [...] It is our true policy to steer clear of permanent alliances with any portion of the foreign world.”*<sup>10</sup>

As previously mentioned, the American colonizers sought to create a new republic that would serve as an example to European states, by virtue of their moral superiority. While this position still stands, President Washington warns the nation against creating any further political ties with foreign powers. It is in the interest of the nation to exercise a form of political isolationism, which can be described as realistic and pragmatic, as well as opportunistic. It does not exclude the possibility of conducting foreign affairs, especially in the domain of commerce, but aims to avoid any infringement upon the absolute sovereignty of the United States. Washington's words clearly demonstrate that although America may profit from commerce with the rest of the world, it has nothing to gain from engaging in any forms of further discussions. This new political stance advanced by Washington has come to be described today as that of “American exceptionalism”. It is essential to fully grasp the

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<sup>10</sup> George Washington's Farewell Address, September 17, 1796. Retrieved 17.06.2012.  
<http://www.gpo.gov/fdsys/pkg/GPO-CDOC-106sdoc21/pdf/GPO-CDOC-106sdoc21.pdf>

nature and effects of American exceptionalism in order to understand the choices the US has made regarding its foreign policy.

## **2. Understanding American exceptionalism**

### **2.1 The origins of American exceptionalism**

The true nature of American exceptionalism is difficult to pinpoint; it is a concept used to refer to an attitude, a political theory, even an ideology (Forsythe, 2011). In the previous sections, it has been established that the early Americans viewed the new republic as an exceptional nation, possessing a moral right to exercise its power upon less powerful countries in its pursuit to “*lift up the inferior “other”*” (Lipset, 1996, p. 14). The first colonizers were quick to espouse the ideology of American exceptionalism, which established itself as a powerful dogma, firmly grounded in American popular culture. The concept of American exceptionalism played an important role in the construction of American identity: To be an American citizen is to espouse this ideology and the American values it stands for, as described by the American historian Gordon Wood:

*"Our beliefs in liberty, equality, constitutionalism, and the well-being of ordinary people came out of the Revolutionary era. So too did our idea that we Americans are a special people with a special destiny to lead the world toward liberty and democracy." (Wood in Forsythe, 2011, p. 89)*

One must keep in mind that other nations such as France, Britain, Germany and Russia have, at one point in their history, subscribed to some form of exceptionalism, believing to possess the divine right and moral superiority to expand and rule over the inferior “other”. What is remarkable about the American situation is that their particular brand of exceptionalism remains relevant today, not having lost any part of its influence.

### **2.2 The three categories of American exceptionalism**

According to Ignatieff (2004), American exceptionalism can be classified into three distinct categories: political exceptionalism, normative exceptionalism, and legal exceptionalism. In Ignatieff's view, the US is the only democracy in the world to

combine these three types of exceptionalisms. Each of these categories will be addressed in turn:

**Political exceptionalism.** American foreign policy is accused by the international community of demonstrating a “double standard”, which consists of judging its own shortcomings as well as the failings of its allies with far less criticism than the actions of its enemies. According to the current legal advisor to the Department of State, Harold Koh, this is the single most problematic expression of American exceptionalism (Koh, 2003). US international relations are based upon the creation of alliances and networks, in which the American nation acts as a impartial arbiter, with its foreign politics which tend to vilify the enemy, basing its attacks upon alleged human rights violations in order to assert the moral superiority of the United States. Such attacks are viewed as hypocritical, since *“the United States, it is said, seek to sit in judgment on others but will not submit its human rights behavior to international judgment. To many, the attitude reflected in such reservations is offensive: the conventions are only for other states, not for the United States”* (Henkin, 1995, p. 47). A number of scholars refer to an apparent *“schizophrenic rights reality”* (Hertel & Libal, 2011, p. 14), where those who seek to enforce human rights abroad refuse to enforce the same rights within their own borders.

**Normative exceptionalism.** In such cases where the US decides to adhere to international treaties, ratification is often accompanied by the use of RUDs (Reservations, Understandings, and Declarations). RUDs serve to change the obligations of the US vis-à-vis of the treaty, permitting the state to avoid certain responsibilities. RUDs are viewed as problematic by those who uphold the human rights movement in the US, since *“as result of those qualifications of its adherence, U.S. ratification has been described as specious, meretricious, hypocritical”* (Henkin, 1995, p. 52). Although the US is not the only nation to attach such reservations as conditions to treaty ratification, it is a nation widely criticized by the international community for its frequent recourse to RUDs. Also, the reserves associated to US treaty ratification are often of a contentious nature, since they seemingly strip the dispositions of the treaty of their meaning and effectiveness.

**Legal exceptionalism.** The US practices a form of legal isolationism, which can best be described in the words of Justice Scalia of the American Supreme Court:



*"[T]he basic premise of the Court's argument - that American law should conform to the laws of the rest of the world - ought to be rejected out of hand... I do not believe that approval by "other nations and peoples" should buttress our commitment to American principles any more than (what should logically follow) disapproval by "other nations and peoples" should weaken that commitment." (Justice Scalia of the United States Supreme Court, 2005, *Roper v. Simmons*).<sup>11</sup>*

Despite the fact that the US actively participated in the creation of international human rights law, it also feels that it is exempt from the same rules it helps devise. US courts seek to protect themselves against being overly influenced by foreign sources concerning human rights, and repeated efforts have been made to preserve American constitutional law from being "polluted" by foreign laws and international law, which are considered inferior. The situation is most eloquently described by David Forsyth:

*"A foundational assumption of US exceptionalism has been a belief in and commitment to American virtue, American values, American law, and American experience - which are then to be radiated outward. Under this assumption the US Constitution with its Bill of Rights is supreme, not to be trumped by any other law; treaties that are inconsistent with the Constitution cannot stand. If other countries accept the supremacy of international law and compel their constitutions and judges to yield to it, that fact only marks their inferiority. US citizens are presumed to have no such complexes. Why would the nation that has been ordained by God to be the shining city on the hill, the New Jerusalem, think that it has anything important to learn from others?" (Forsyth, 2011, p. 22).*

### **2.3 20th century American foreign politics and the influence of American exceptionalism**

The previous sections have served to demonstrate the United States' strong support for the creation and development of domestic human rights instruments, notably through its Constitution and Bill of Rights. The following section describes how the US continued to involve itself in the creation of international human rights instruments, by participating in the creation of the League of Nations, soon to become the United Nations, and in the elaboration of the treaties which emanated from the organization. Through its continuous commitment to human rights throughout the 20<sup>th</sup>

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<sup>11</sup> United States Supreme Court, *Roper v. Simmons*, 543 U.S. 551, 125 S. Ct. 1183, 1226, 1229 (2005).

century, the United State is the nation best positioned to be the flag bearer of the Universalist human rights project. Paradoxically, the US also acted as the main impedimenta hindering the smooth realization of human rights. Proof of this lies in the fact that today, human rights are not central to discussions of public policy and legal reform in the United States, and the nation continues to refuse to ratify key international human rights treaties it helped create, to the vexation of the other member states. This paradoxical situation can be understood in part as the manifestation of a specifically American conception of its relation to international law, previously referred to as "American exceptionalism".

### **3. The US and the international human rights agenda**

#### **3.1 US involvement in the creation of the United Nations**

In the aftermath of World War I, human rights were at the forefront of international preoccupations. In 1918, the Versailles Treaty established the League of Nations and the International Labor Organization, as member states sought to preserve peace and security through collective action. There was a need to create a text that would be universal in nature whilst appealing to all states in the international community. This led to the adoption of the Declaration of International Rights of Man in 1929. The Declaration underlined that the fundamental rights of citizens, recognized and guaranteed by several domestic constitutions (especially the French and the American constitutions) were in reality meant not only for citizens of the states but for all men without exception.

Despite the efforts of the League of Nations to insure peace and security, it proved ineffective in staving off World War II, a conflict which provided the impetus for the modern human rights movement to mobilize and to replace the League of Nations by a new entity which would prove more effective at promoting international peace and cooperation, which would come to be known as the United Nations. Eleanor Roosevelt, First Lady of the United States from 1933 to 1945, was especially involved in the early stages of the creation of the United Nations: Roosevelt founded the UN Association of the United States in 1943 to advance American support for the formation of the UN, was a delegate to the UN General Assembly from 1945 to 1952,

and later chaired the Human Rights Commission that drafted and approved the Universal Declaration of Human Rights in 1948 (Hertel & Libal, 2011).

The UN worked to ensure the respect and protection of human rights by setting up an international legal framework, consisting of a core collection of treaties, each aimed at proposing guidelines to regiment human rights law throughout the world. By ratifying such treaties, member states accept the provisions of the treaty as law. US ratification of international treaties is achieved at the term of a long and complex process, which shall be briefly detailed in the following section.

### **3.2 Ratification of human rights treaties by the United States: the effects of American exceptionalism**

In the United States, the ratification of an international treaty is the result of a time-consuming and highly complicated process. The President and his administration will first review the treaty to make sure it is consistent with US policies and laws. The treaty is then passed on to the US State Department, who are expected to voice their opinion on whether the US should ratify the treaty or not. If the State Department is favorable to ratification, the text is referred back to the President's staff, who prepares a final review of the document, possibly suggesting that some recommendations or declarations be made in order to better adjust the treaty to the US legal system. The treaty is then sent to the Senate.

Once having received the treaty, the Senate will first refer it to the Senate Foreign Relations Committee. If the treaty receives a favorable committee vote, the treaty is then forwarded to the floor of the full U.S. Senate, in order to obtain its "advice and consent", obtained by a two-thirds vote among the members of the Senate in favor of ratification. This requirement *"makes it considerably more difficult in the US than in other democratic republics to rally enough political support for international treaties"* (Hennebel, 2009, p. 60). Once the Senate has approved the treaty in this way, the President can proceed to ratification. Once a treaty is ratified, it becomes binding on all the states under the Supremacy Clause, established in Article VI, Clause 2 of the US Constitution, stating that international treaties shall be made "the supreme law of the land". Keep in mind that the Supremacy clause does not guarantee that the treaty will have automatic domestic effect upon ratification. Indeed, if a treaty is deemed "non-self-executing" then the treaty does not in itself give rise to

domestically enforceable law. Whether such a treaty has domestic effect depends upon implementing legislation passed by Congress.

According to Henkin, there exist five guiding principles concerning the ratification of international treaties by the United States (Henkin, 1995, p. 29):

1. *The United States will not undertake any treaty obligation that it will not be able to carry out because it is inconsistent with the United States Constitution.*

2. *United States adherence to an international human rights treaty should not affect or promise change in existing U.S. law or practice*

3. *The United States will not submit to the jurisdiction of the International Court of Justice to decide disputes as to the interpretation or application of human rights conventions.*

4. *Every human rights treaty to which the United States adheres should be subject to a "federalism clause" so that the United States could leave implementation of the convention largely to the states.*

5. *Every international human rights agreement should be "non-self-executing".*

The US procedure for treaty ratification is therefore regimented by a complex and lengthy procedure fixed in the constitution. This explains, in part, why treaty ratification takes so much time in the US (as proof, one need only consider that it took 40 years for the US to ratify the UN Convention against Genocide). But this fact alone does not fully explain why the US ratification of international treaties takes so much time. In recent history, the US has shown great caution when ratifying major human rights treaties, engaging in long debates on the potential negative effects of ratification on the integrity of US law and sovereignty, which goes further to slow down the ratification process. This attitude reflects the suspicion that the members of the American right-wing may continue to harbor against the United Nations, which many Americans had previously accused of being the "*willing handmaiden of expansionist and atheistic communism, a villain engaged in an intentional campaign to destroy the traditional American values*" (Gunn, 2006, p. 112). Therefore the distrust the US feels towards the international human rights regime is apparent, and is a result of American exceptionalism, which considers international law to be inferior to US law.

The CRC is no exception to the rule, and is a treaty that has long suffered from the effects of American exceptionalism. Since its adoption by the UN General Assembly in 1989, it has been navigating the labyrinth of American bureaucracy, with Senators and members of the general public opposing ratification as they view the treaty as a threat to America. Anti-CRC groups also contend that the laws in America are sufficient in protecting the welfare of children, and CRC ratification would be, at best, useless (Fagan, 2001). This position is one where international law is indeed viewed as secondary to American law. Despite the treaty not being ratified, serious yet ill-fated attempts were made during the 1990s by child rights advocates to obtain ratification.

### **3.3 United States involvement in the creation of UN Convention on the Rights of the Child (CRC)**

The central premise of the CRC is that the child is an independent rights holder. Such a view is not new in the field of international law: already in 1924, the League of Nations Declaration on the Rights of the Child introduced the idea of children as rights bearers. However, the text remained highly symbolic in value and fostered very low compliance. The subsequent text, the Declaration on the Rights of the Child of 1959, was an equally tokenistic text which did little to defend children's rights in practice. In 1978, the Polish government, lead mainly by Professor Adam Lopatka (Polish delegate to the UN Commission on Human Rights), proposed a Convention on the Rights of the Child during the United Nation's 34<sup>th</sup> session (Price Cohen, 2006, p. 186). In celebration of this event, the following year 1979 was declared the International Year of the Child by the UN General Assembly.

The CRC's drafting period coincided with the final stages of the Cold War. Given that the drafting of the convention was the product of a Polish proposal, *"the international community largely viewed the drafting effort as an Eastern Bloc initiative"* (Price Cohen, 2006, p. 187). But Poland had independent reasons for pressing for a children's rights treaty, as articulated by Price Cohen, *"[Poland's] effort would serve to set Poland apart from other Eastern Bloc members as the only country to undertake the drafting of a human rights instrument, viewed as a significant achievement for a nation on the verge of emerging from the Soviet shadow"* (Price Cohen, 2006, p. 187).

The US delegates participated in drafting the CRC under President Reagan, a long-time favorite with the American Religious Right who had adopted a negative attitude toward this perceived Eastern Bloc treaty. In 1983, U.S. delegate Thomas Johnson reportedly stated that the United States *"would never ratify the Convention, but was participating in the drafting process primarily so that these other countries would have a better treaty"* (Price Cohen, 2006, p. 188).

Despite the Reagan administration's overt suspicion towards the treaty, the US delegation played an indisputably major role during the CRC's drafting process, which was completed during the first year of the George H. W. Bush administration. American delegates, working in tandem with a range of American non-governmental organizations, exercised a broad influence over the working group established to oversee the drafting of the treaty (Gunn, 2006). Articles 13 (freedom of expression), 14 (freedom of religion), 15 (freedom of association and assembly, and 16 (right to privacy) are the results of proposals submitted specifically by the US delegation (Kilbourne, 1996). By the closing of the drafting period, *"the United States' contribution was so unequivocal that many nations began to refer to the CRC as the "US Child Rights Treaty"* (Price Cohen, 1998, p. 24).

It is therefore indisputable that the United States played a pivotal role in the drafting of the CRC. Regrettably though, as Cynthia Price Cohen points out, *"U.S. leadership in developing children's rights ended in 1989. Because the United States has never ratified the Convention it cannot become a member of the Committee on the Rights of the Child, the Convention's monitoring body. Therefore, the United States can no longer materially influence the interpretation of this instrument that it fervently labored to create"* (Price Cohen, 2006, p. 2).

The level and nature of US participation in the drafting of the CRC is ample proof of the degree to which the Convention conforms to US law. This would seem to point to the conclusion that the CRC would be popular in the United States. However, in an ironic turn of events, the US refused to become a signatory when the convention entered into force in 1990. Early in the 1990s, there appeared to be no prospects for ratification in the US because of the hostile reaction that had come from the American Religious Right, which had come to the conclusion that the Convention was *"anti-family, anti-religion, and anti-American"* (Gunn, 2006). Despite this fact,

there have been multiple efforts to obtain US-CRC ratification in the past two decades.

### 3.4 Efforts in the US to ratify the UN Convention on the rights of the child

Since January 26, 1990, the CRC is open for signature. As early as 1990, under the presidency of George H.W. Bush, resolutions were introduced to the US and the House of Representatives, which strongly urged the President to submit the CRC to the Senate for its advice and consent of ratification (Rutkow & Lozman, 2006). Despite the resolutions being adopted by both the House and the Senate, President George H. W. Bush failed to sign or pursue ratification of the treaty. In 1992, new resolutions were introduced to the House and the Senate calling for ratification of the CRC. Again, such efforts remained ineffective, and the CRC went unsigned. In his 560 page memoir on foreign policy written in 1998, George H. W. Bush does not once mention the CRC (Gunn, 2006).

Bill Clinton defeated George W. H. Bush in the presidential election of 1992. First Lady Hillary Rodham-Clinton was a notable supporter of CRC ratification, having acted from 1986 to 1992 as Chairman of the Board to the Children's Defense Fund (CDF), an NGO at the forefront of children's rights advocacy in the US, founded by Marian Wright Edelman. During the first years of the Clinton administration, the CRC lay dormant. It was in 1995 that a breakthrough was made as the White House issued a press release stating that President Clinton had decided the United States would sign the CRC. However, the press release went on to mention that when the time came for the President to send the CRC to the Senate for its advice and consent, he would *"ask for a number of reservation and understandings... [to] protect the rights of the various states under the nations' federal system of government and maintain the country's ability to use existing tools of the criminal justice system in appropriate cases<sup>12</sup>."* In the week following the press release, Madeleine Albright, US Ambassador to the UN, signed the CRC on behalf of the US on February 16<sup>th</sup>, 1995. It is of interest to note that the said signature took place less than one month after the death of James P. Grant on January 28<sup>th</sup>, 1995. Grant was the executive director of UNICEF

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<sup>12</sup> Press Release, The White House, White House Statement on the U.S. Decision to Sign U.N. Convention on the Rights of the Child (Feb. 10, 1995) (on file with the White House Office of the Press Secretary), <http://www.ibiblio.org/pub/archives/whitehouse-papers/1995/Feb/1995-02-20-us-to-sign-un-convention-on-rights-of-the-child.text>.

and charismatic leader of the children's rights movement. Given the chronological proximity of both events, Grant's demise may have been the precipitating factor which brought on Albright's signature. The said signature is to be regarded as an act of good faith: the Convention still needed to be ratified by the President for the US to be considered as a treaty member.

President Clinton's plan to send the treaty to the Senate for its advice and consent was never realized due to the presence of Senators opposing ratification. At the head of this dissenting group was Senator Jesse Helms (Republican, North Carolina), who was at the time the Chair of the Senate Foreign Relations Committee. While giving a particularly strident speech before Congress, Helms strongly warned President Clinton not to send the CRC to the Senate. He concluded his speech by stating that *"as long as I am the chairman of Senate Committee on Foreign Relations, it is going to be very difficult for this treaty even to be given a hearing<sup>13</sup>."* The CRC had no chance of being agreed to during Helms' tenure as chairman. Talks of ratification dwindled and ceased. The most recent call for ratification of the CRC dates back to 1997, but again it was to bear no positive results.

### 3.5 US ratification of the Optional Protocols to the CRC

Despite not having ratified the CRC, the US has succeeded in demonstrating some recognition of the role of international law in protecting children's rights, since it ratified both Optional Protocols (OPs) to the CRC on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography. The two OPs were signed by Bill Clinton in 2000 and ratified under George W. Bush in 2002.

The US' ratification of both OPs is perceived by children's rights advocates as a key step towards the recognition and legitimation of children's rights in the US. Nevertheless, one need wonder why the US willfully ratified the OPs to the CRC, while continuing to refuse to ratify the CRC itself. In order to elucidate this seemingly contradictory stance, authors in children's rights have argued that the OPs were quickly ratified since they were considered to be of less controversial nature than the CRC itself, given that *"in the view of many, existing US laws generally met the*

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<sup>13</sup> 141 Cong. REC. S8401 (daily ed. June 14, 1995). Senator Jesse Helms' speech available in full : <http://thomas.loc.gov/cgi-bin/query/F?r104:1:/temp/~r104OBTSIc:e46:>



*standards contained in the Protocols"* (Blanchfield, 2012, p. 5). Whereas the CRC explores a broad spectrum of rights which may be considered controversial (abortion or freedom of religion, to name a few), the OPs are documents which relate to very specific topics which call for a clear and unequivocal stance against practices that are very largely regarded as reprehensible by the American people. Therefore, a clear consensus was achieved and the OPs were rapidly ratified.

## **4. Barack Obama and the international human rights agenda**

### **4.1 Foreign policy under the Obama Administration**

In November of 2008, Barack Obama succeeded George W. Bush as President of the United States. By this time, the Bush administration had undergone intense national and international criticism for its disregard for international human rights law. Images of detainee mistreatment at the Abu Ghraib and Guantanamo prisons had become sadly emblematic of an administration whose obsession with national security drove it to disregard the imperatives dictated by human rights and human dignity. Harold Hongju Koh, presently the Legal Advisor of the Department of State, stated that *"the [Bush] administration's obsessive focus on the War on Terror [...] has taken an extraordinary toll upon US global human rights policy"* (Koh, 2007, p. 636).

Human rights activists perceived the election of Obama in 2008 as a much awaited opportunity to put human rights back on the political agenda. The main challenge which Obama faced at the beginning of his Presidency was to restore the US' credibility before the international community as a nation sincerely dedicated to the advancement of the international human rights agenda. In order to achieve this goal, Obama understood the importance of breaking with the previous administrations' unilateral, bully-like brand of foreign policy. During his Nobel Prize acceptance speech in Oslo in 2009, Obama reiterated his commitment towards regaining the US' status as a key player in the international human rights arena, by adopting a more cooperative stance with the UN and accepting to abide by its standards:

*"To begin with, I believe that all nations - strong and weak alike - must adhere to standards that govern the use of force. [...] I am convinced that adhering to standards strengthens those who do, and isolates - and weakens - those who*

*don't. [...] Furthermore, America cannot insist that others follow the rules of the road if we refuse to follow them ourselves. For when we don't, our action can appear arbitrary [...]."* (US President Barack Obama, Nobel Prize acceptance speech, Oslo, 2009)

The Obama administration adopted a new understanding of foreign policy, where multilateralism and international cooperation are rendered compatible with the ideology of American exceptionalism. The administration understood that American exceptionalism, and the unilateralism it involved, could severely impair the ability of the US to forge key alliances with international partners, thus weakening their international standing. During his inaugural speech of 2008, the President emphasized his belief that national security and the respect for human rights are not mutually exclusive, but indeed both the fundamental cornerstones of democracy:

*"[A]s for our common defense, we reject as false the choice between our safety and our ideals. Our Founding Fathers, faced with perils we can scarcely imagine, drafted a charter to assure the rule of law and the rights of man, a charter expanded by the blood of generations. Those ideals still light the world and we will not give them up for expedience's sake"* (New York Times, 2009, in Hertel, 2011, p. 138).

#### **4.2 An evaluation of Obama's first term of presidency from a human rights perspective**

Looking back on Obama's first term of presidential office, he appears to have gotten the human rights rhetoric largely right. His speeches are very different from the rhetoric of the George W. Bush administration, as they *"carry a multilateral and multicultural flavor"* (Forsythe, 2011, p. 787). But the question remains: has the Obama administration managed to live up to the principles its President had so impressively articulated? Despite the marked change in presidential rhetoric in regards to human rights between Bush and Obama, the translation of words into deeds by the Obama administration remains problematic and to this day incomplete.

During its first term, the Obama administration was faced with a dire economic crisis, unusually high unemployment rates, unpopular and difficult military ventures into the regions of the Middle East, and growing controversy on the matter of Iranian and North Korean nuclear weaponry. In this turbulent context, Forsythe states that *"given these and other problems, it would have been surprising for the Obama*

*administration to prioritize human rights abroad, and in fact it did not"* (Forsyth, 2011, p. 787).

In the face of pressing economic and military matters, the Obama administration may have not prioritized the human rights issue, but nevertheless it should be credited for taking some small steps towards upholding human rights standards in the US and abroad. In 2009, Obama moved rapidly to reverse the most abusive aspects of the Bush administration's approach to fighting the ever controversial "war on terror". The new administration insisted that strict standards be adopted by the US military in regards to the treatment of detainees suspected of terrorism. The coming of the Obama administration also meant that the US could embrace certain UN human rights treaties which were not considered under the tenure of G. W. Bush. During Obama's first term in presidential office, his administration signed the UN Convention on the Rights of People with Disabilities (CRPD) in 2009, making it the first international human rights treaty that the US had signed in nearly a decade (the last treaty ratified by the US dates back to 2002, when the US ratified the two Optional Protocols to the Convention on the Rights of the Child).

Despite having made some minor progress in regards to human rights, and despite the inspirational and idealistic rhetoric which placed human rights at the center of a new US foreign policy, self interest in security and economic advantage remained at the top of the political agenda, supported by powerful domestic constituents. As of yet, the CRPD is the one single UN human rights treaty that has been signed under President Obama (a full list of the UN human rights treaties, with the status of US signatures and ratifications, is available in Annex 3). Peter Barker of the New York Times has described what he calls "the Obama doctrine" to be based on practical and material factors, rather than on moralistic or ethical premises:

*"If there is an Obama doctrine emerging, it is one much more realpolitik than his predecessor's, focused on relations with traditional great powers and relegating issues like human rights and democracy to second-tier concerns."*  
(Barker, New York Times, 13.04.2010)

#### **4.3 Obama and the CRC**

Human rights advocates recognized the election of Barack Obama as a much awaited window of opportunity “[...] to reaffirm and strengthen the longstanding commitment of the United States to human rights at home and abroad” (Powell, 2008, p. 39). Human rights activists entertained the hope that the present administration would take decisive steps towards the ratification of key international human rights treaties. Children's rights activists rallied to pressure the administration to push for the much delayed ratification of the CRC within Obama's first term of presidency, hopefully without emitting debilitating and incompatible reservations to the Convention. Obama had stated his support for the objectives of the CRC, and has stated his intent to conduct a legal review of the treaty. When asked about the CRC during his 2008 presidential campaign Obama stated that *“it is embarrassing to find ourselves [the US] in the company of Somalia, a lawless land. I will review this [treaty] and other treaties to ensure that the United States resumes its global leadership in human rights”*. In January 2009, Susan Rice, US permanent representative to the United Nations, stated that the CRC is *“a very important treaty and a noble cause. There can be no doubt that [President Obama] and Secretary Clinton and I share a commitment to the objectives of this treaty and will take it up as an early question to ensure that the United States is playing and resumes its global leadership role in human rights.”* In November 2009 a State Department spokesperson stated that the Administration was in the midst of conducting an “interagency policy review” of human rights treaties to which the US is not party, including the CRC<sup>14</sup>. Most recently, in March 2011, a report to a UN Human Rights Council working group quoted the Obama Administration as intending to *“review how we [the United States] could move towards its ratification”*<sup>15</sup>.

In 2010, the Obama administration submitted the country's periodic report to the Committee on the Rights of the Child concerning the two Optional Protocols to the CRC. This was the US' second periodic report in response to the recommendations contained in the Committee's concluding observations of the 25<sup>th</sup> of June, 2008. Point 5 and 6 of the introductory section states:

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<sup>14</sup> Department of State Daily Press Briefing by Ian Kelly, Spokesperson, Washington, DC, November 24, 2009.

<sup>15</sup> U.S. Response to U.N. Human Rights Council Working Group Report, Report of the United States of America Submitted to the U.N. High Commissioner for Human Rights in Conjunction with Universal Periodic Review, March 10, 2011.

5. *The United States became party to the Optional Protocol pursuant to article 13(2), which provides that the Optional Protocol "is subject to ratification ... by any State that is a party to the [Convention on the Rights of the Child (Convention)] or has signed it." Although the United States signed the Convention in February 1995, it has not proceeded to ratify it. Therefore, the United States stated in its instrument of ratification of the Optional Protocol that it "understands that the United States assumes no obligations under the Convention on the Rights of the Child by becoming a party to the Protocol." Neither provisions of the Convention nor interpretations of the Convention in the Committee's general comments affect the U.S. reporting requirement, and the United States takes no position in this report on Convention provisions and general comments referred to in the Guidelines and its annex. In the spirit of cooperation, the United States has provided as much information as possible on other issues raised, not limited to those that directly relate to U.S. obligations arising under the Optional Protocol.*

6. *The United States is reviewing several human rights treaties to which it is not party, and the Administration is committed to reviewing the Convention on the Rights of the Child to determine whether it can pursue ratification.*

*(United Nations, Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Report by the United States of America, 25th of January 2010).*

By ratifying the OPs, the US aims to strengthen its commitment to the protection of children, without nevertheless ratifying the CRC itself. Future ratification of the CRC during the Obama administration is not wholly excluded; point 6 expresses the administration's will to review the CRC, but the report does not commit the US to a timeline and therefore relegates the review of the CRC to an unspecified time in the future.

Obama found it necessary to mention the CRC in his speeches, and now finds himself to be trapped by his own rhetoric. Having expressed its support for the CRC, the Obama administration is struggling to explain the inconsistent approach to the matter of its ratification. Therefore despite Obama's passionate rhetoric in support of the CRC, his administration's actions towards affirming children's rights in the US have not quite lived up to their promises.

#### **4.4 The 2012 presidential elections: the CRC weighs in the balance**

In November of 2012, the presidential election marked a crossroads: Obama's reelection would allow the Obama administration the necessary time to achieve ratification of the CRC (namely the CEDAW, the CRPD and the CRC). A victory by Romney would stall ratification for the foreseeable future.

The re-election of Obama in 2012 buys his administration precious time to continue to strengthen its commitment to the international human rights agenda. But children's rights advocates should not be too quick to rejoice, since the CRC is not the only treaty under consideration for ratification: the CEDAW and the CRPD are also under consideration. In fact, a number of American human rights experts would agree that the CEDAW will in all likelihood be the first of these treaties to achieve ratification (Roskos, 2003; Rutkow, 2006). This position is based on the fact that the CEDAW was adopted in 1979 by the UN General Assembly, a full decade before the creation of the CRC. Others argue that the CRPD is gaining speed and may be on the fast-track towards ratification, possibly achieving this status before the CRC, despite the fact that the CRPD was only adopted in 2006 (Roth, 2010). As it has been mentioned previously, treaty ratification in the US is a lengthy process, and 4 years will not be sufficient time to ensure the ratification of all three treaties. It is enough time, though, for the American children's right movement to come together and lead a unified effort to raise public awareness on the necessity of CRC ratification, while also carrying out lobbying activities at the various levels of government.

In the past section, I have detailed the roles that the President, the Administration and the larger US government play in negotiating and accepting international human rights treaties. I have not, though, explained the role that civil society plays in advocating for human rights. Faced with an unwilling government, advocates "on the ground" organize themselves into groups, aimed at pressuring the government to take human rights matters seriously. In the US alone, there are thousands of NGOs which work to promote and protect the rights of children, women, the disabled, minorities, the indigent etc. One such NGO is the Campaign for US Ratification of the CRC. In the following section, I will further detail the history and identity of this group.

## Chapter 3

### 1. The Campaign for US Ratification of the CRC: the identity of the organization

The Campaign for US Ratification of the CRC is an American children's rights advocacy group based in Washington, DC. The Campaign expresses its identity and aims in the following terms:

*"The Campaign for US Ratification of the Convention on the Rights of the Child (CRC) is a volunteer-driven network of academics, attorneys, child and human rights advocates, educators, members of religious and faith-based communities, physicians, representatives from non-governmental organizations (NGOs), students, and other concerned citizens. We work to help achieve ratification of the UN Convention on the Rights of the Child, by the US Senate, and to implement its standards in the US" (Excerpt from the website of the Campaign for US Ratification of the CRC).*

The Campaign is led by a core group of seven volunteers who make up the Steering Committee. The said individuals are all professionals in child welfare and protection (or retired). The Steering Committee organizes a meeting twice a year which is open to the public, in order to discuss the progress made and the future of CRC advocacy. Through the Campaign's website petition, the Steering Committee has called upon the American public to ask the President to push for CRC ratification (Annex 1).

The following section will make mention of the major events that led up to the creation of the Campaign. The chronology of the events was obtained based on the personal narratives given by current members of the Campaign Steering Committee<sup>16</sup>.

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<sup>16</sup> Members of the Campaign Steering Committee interviewed by telephone on 07.02.2012, 18.09.2012 and 25.10.2012.

## **2. The creation of the Campaign for US Ratification of the CRC**

### **2.1 1989 - 1996: the formation of the first national committees**

In the wake of the adoption of the CRC by the UN General Assembly in 1989, US children's rights activists took to the task of advocating for US-CRC ratification. From 1989 to 1996, activists from a variety of faith-based and child protection groups (such as the Children's Defense Fund, US Fund for UNICEF, the Christian Children's Fund, Every Child Counts, the American Bar Association, the Bahá'í International Community and the Methodist Women's Association) organized into national committees. According to a member of the Campaign Steering Committee, the death of J. P. Grant in 1995 further strengthened the children's rights activists resolve to obtain US ratification of the CRC. Grant was UNICEF's Executive Director from 1980 to 1995, and considered by many in the field as a charismatic leader figure of the children's rights movement. A member of the Steering Committee stated that it was Grant's "deathbed wish" for the US to ratify the CRC. Following his death, American children's rights activists became all the more emotionally invested in granting him his last wish posthumously. Grant died on January 28<sup>th</sup>, 1995, and Madeleine Albright signed the CRC on February 16<sup>th</sup>, 1995. Given the close chronological proximity of the two events, it is possible to surmise that Grant's death was a factor which precipitated the signature of the CRC.

According to a member of the Campaign Steering Committee, these first national committees nearly succeeded in getting the CRC admitted to the Senate. At the time though, the government officials who supported the Convention did not prioritize the CRC, and those who opposed it were in positions of power to block the convention from ever reaching the Senate for approval. Disheartened by an uncooperative government, the efforts of the first national committees towards ratification gradually fizzled around 1996.

### **2.2 1996 to 2000: the children's rights movement goes into waiting**

US children's rights activists understood that any of their efforts to obtain CRC ratification would be curtailed by the government's failure to prioritize the convention. The activists therefore decided to suspend their campaigning activities, and wait for a future time when the government would be more open to forwarding



the CRC to the Senate. According to a member of the Campaign Steering Committee, “not a lot happened between 1996 and 2002 on the CRC front”: while members of the children’s rights movement continued to labor for child welfare and protection on a national level, they had decided to put CRC advocacy on hold for the time being, at least until the political climate would shift in their favor.

### **2.3 2000 to 2002: Run-up sessions in preparation for the 2002 UN Special Session on Children**

The UN General Assembly Special Session on Children was held in May 2002 in New York. This was the first Special Session especially devoted to the topic of children’s rights. On this occasion, UN member states were given the opportunity to explain how their country was working to implement the “World Declaration on the Survival, Development and Protection of Children”, a document which had been elaborated in the 1990s. The Special Session then culminated in the official adoption, by some 180 nations, of its outcome document, “A World Fit for Children”, which enumerates the UN’s specific goals and targets in regards to children for the next decade.

The “A World Fit for Children” document was drafted during the two years preceding the General Assembly Special Session, from 2000 to 2002. During this period, the UN had invited various NGOs from around the world to partake in “run-up sessions” (also informally referred to as “prepcons”). During this two-year consensus-process, NGOs worked together to draft the document. A member of the Campaign Steering Committee participated in the run-up sessions as a representative of the Children’s Welfare League of America (CWLA). During one of the said run-up sessions which took place in January-February of 2001, he recalls one particular occurrence:

*“The current iteration of this campaign came about in large part because of international pressure on [American] NGOs by other [foreign] NGOs. At the General Assembly Special Session, during a meeting, a bunch of NGOs from around the world were trying to come to some agreement on the common language that each country would be asking its delegation to insert into the “World Fit for Children” document. The rest of the groups from, I don’t know, 20 or 30 countries essentially simultaneously said “Hey Americans, shut up! We don’t want to hear from you! You can’t even ratify this treaty. What grounds, what standing do you have to even raise any questions here?” And that was a wake-up call. That moment, at least in my mind and in the mind of a couple of*

*the other founders [of the Campaign], that was the rallying cry to get moving. That was our beginning."*

Diana Volonakis: "So could we say that that the main influence to create the campaign was in fact a foreign influence?"

*"I would say that to some extent, yes." (Campaign Steering Committee member, telephone interview, 25.10.2012).*

International NGOs sought to pressure the American children's rights activists to pursue the cause of CRC ratification. It was at this time that the US children's rights advocates first mentioned the possibility of forming a campaign aimed at obtaining ratification. The member of the Campaign Steering Committee notes that the International Bureau for Children's Rights and the Defense for Children International were two non-American NGOs who were especially successful at pressuring the US children's rights advocates to pursue CRC ratification.

*"George Stamatis used to be the secretariat or the Executive Vice-President, for what was called the IBCR (International Bureau for Children's Rights), a French based organization. And we participated with them to some extent because they're advocates around the world for kids. We also worked with Philip Veerman from Defense for Children International. He was one of the founders of the organization. Those two groups [IBCR and DCI] put a lot of pressure on the US via CWLA and via ABA and a few other others, to take on the CRC, so that was also part of the influence."*

Taking into account this testimony, the Campaign for US Ratification of The CRC would appear to be an American campaign created largely due to international pressure exercised upon the US children's rights movement. According to Shareen Hertel, this pattern of campaign emergence is identified as an "outside-in" pattern (Hertel, 2006, p. 7). In this context, international advocates provide advocates within a certain country with the impetus to create a human rights campaign. This pattern of campaign emergence could also be considered as illustrative of the "boomerang effect", described by Keck and Sikkink (1998, p. 13). The "boomerang effect" refers to a situation where human rights advocates in country A appeal to advocates in country B, who will in turn pressure the government of country B to pressure the offending regime in country A. Therefore the message launched by country A will metaphorically "boomerang" back to them via country B's assistance.

I take Keck and Sikkink's "boomerang effect" and Hertel's "outside-in" pattern to mean two distinct phenomenon, yet they share common points. In both cases, the

sending-end activists have in mind the furtherance of their own agendas. To return to the case at hand, it was not sheer altruism which motivated international activists to encourage American activists to pursue CRC ratification. Rather, international activists recognized that the US ratification of the CRC constituted a potential gain for the international children's rights movement: Were the US to proceed to ratification, the international children's rights movement would be strengthened in numbers and in legitimacy (Rutkow & Lozman, 2006). Therefore while it can be said that the Campaign for US Ratification of the CRC emerged from an "outside-in" pattern, it is also the product of international activists who sought to create a "boomerang effect" as well.

The US children's rights activists' resolve was further strengthened by ensuing events which took place during the 2002 Special Session.

## **2.4 2002: The UN General Assembly Special Session on Children**

While members of the Campaign Steering Committee claim that the initial idea to form a Campaign stemmed from the run-up sessions from 2000 to 2002, events which took place during the Special Session itself, in May 2002, are also said to have further strengthened the US children's rights advocates' resolve to create a Campaign.

As it has been previously mentioned, the aim of the UN General Assembly Special Session of 2002 was to adopt a final document establishing specific, time bound targets to be achieved by governments to improve children's lives. According to Jonathan Todres, who is a member of the Campaign Steering Committee and who has published this aim was nearly derailed due to the US delegates' uncooperative and argumentative stance during the Special Session. The delegates representing the George W. Bush demonstrated a lack of support for the CRC in particular, as well as a lack of recognition for children's rights in general. Todres states that at the General Assembly Special Session, "[t]he US delegation was perceived by many as obstructing progress on children's rights" (Todres in Hertel, 2011, p. 139). Todres is referring to the intervention by Mr. Siv, a US delegate at the meeting. In his remarks, Siv failed to comment on the future of CRC ratification by the US. Instead, his speech appeared to question the validity of the idea of children as rights-bearers, as he adopted an overtly paternalistic stance by inferring that the rights of children should be viewed as secondary to the rights of parents:

*"The United States understand that children's rights are seen at all times in relation to the rights, duties and responsibilities of parents, who have the primary responsibility of for their children's education and well-being. In this regard, the United States emphasizes the importance it attaches to the involvement of parents in decisions affecting children and adolescents in all aspects of sexual and reproductive health and in all aspects of their lives and education, for which they have the primary responsibility" (United States Delegate Siv, speech before the UN General Assembly, 27th Special Session, 6th meeting, 10 May 2002, New York, p. 84<sup>17</sup>).*

The Campaign website concurs with Todres, reporting that *"the US delegation criticized the CRC and its principles showing disrespect for the large part of the American public that supports the CRC"* (excerpt from Campaign website).

## **2.5 2003: Official creation of the Campaign for US Ratification of the CRC**

According to Todres and fellow members of the Campaign Steering Committee, events taking place from 2000 to 2002 linked to the UN General Assembly Special Session on Children served as the main impetus for the creation of the Campaign for US Ratification of the CRC. Through the leadership of the Child Welfare League of America (CWLA), a core group of child advocates convened for the first meeting of the Campaign for US Ratification of the CRC in Toronto, Canada, in August 2002, 3 months after the Special Session. Participants focused on efforts needed to build a national coalition. In 2003, representatives from more than 50 US NGOs met in Washington, DC for a two day strategy session entitled "Moving the CRC Forward in the United States". Todres states that it was during this meeting that the Campaign for US Ratification of the CRC was formalized:

*"Following the UN Special Session on Children in 2002, at which the US government delegation was perceived by many as obstructing progress on children's rights, a small group of US child advocates decided the time was right to reinvigorate efforts to achieve US ratification of the CRC. This decision resulted in the formation of the Campaign for US Ratification of the Convention on the Rights of the Child in 2003, of which this author [Todres] is a member. With the support of numerous entities ranging from child welfare groups and human rights organizations to professional associations (in the fields of law, pediatrics, education, social services etc.) and faith-based organizations, the*

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<sup>17</sup> United Nations General Assembly, verbatim report of the six plenary meetings of the Special Session on Children, 6th meeting, Friday May 10th, 2002, New York. Retrieved: 18.09.2012.  
[http://www.unicef.org/specialsession/docs\\_new/documents/A-S27-PV6E.pdf](http://www.unicef.org/specialsession/docs_new/documents/A-S27-PV6E.pdf)

*campaign now is a focal point for US ratification efforts" (Todres in Hertel, 2011, p. 139-140).*

The "small group of US child advocates" described by Todres was comprised specifically of members of the National Education Association, the US Fund for UNICEF, World Vision, and the American Pediatric Association.

## 2.6 2012: The Campaign today

In 2012, the Campaign has grown to encompass membership from over 200 organizations and academic institutions (full list of partner organizations and institutions available on the Campaign website: [www.childrightscampaign.org](http://www.childrightscampaign.org)). The Campaign is headed by a Steering Committee composed of seven members<sup>18</sup>. They hold a weekly conference-call, and convene once a year, in person, to discuss the progress of the Campaign. Todres states that the Campaign "is now a focal point for US ratification" (Todres in Hertel, 2011, p. 140). Indeed, extensive internet research would suggest that the Campaign for US Ratification of the CRC is the sole political organization especially dedicated to the cause of advocating for CRC ratification in the US.

The Campaign for US Ratification of the CRC defines its mission in the following terms:

*"Our mission is to bring about ratification and implementation of the CRC in the United States. We will achieve this through mobilizing our diverse network to educate communities on the Convention, thereby creating a groundswell of national support for the treaty, and by advocating directly with our government on behalf of ratification" (Campaign website).*

The Campaign makes use of three distinct strategies:

1. Educating the public on the CRC through the Campaign website, which offers an in-depth presentation of the CRC, its origins, its purpose and scope. In this way, the Campaign seeks to inform the American public on the CRC, and to rally public sympathy to the cause of ratification.

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<sup>18</sup> Meg Gardinier (Chair), Martin Scherr (Vice Chair), Mark Engmann (US Fund for UNICEF), Jonathan Todres (Associate Professor of Law, Georgia State University, College of Law), Jim Hughes (Child Protection Specialist), Linda Spears (Child Welfare League of America), and John Surr (Concerned Educators Allied for a Safe Environment)

2. Inviting Internet users to sign a petition addressed to the President, asking him to prioritize the CRC and send it to the Senate in order to initiate the ratification process.

3. Inviting the CEOs of businesses related to children to add their signature to the "CEO sign-on sheet", thereby expressing their support for CRC ratification.

The Campaign's initial plan was to pressure the government to submit the CRC to the Senate before the 20th of November, 2012 (International Children's Day). Although this goal was achieved, a cyber-petition boasting approximately 35 thousand signatures was presented to the government in November, asking for CRC ratification.

### **3. ParentalRights.org: the identity of the organization**

The Obama Administration's commitment to review the government's position in regards to the CRC as well as the formation of the Campaign for US Ratification of the CRC provoked a sharp reaction by a number of Right-wing conservative groups in the US. For the purpose of my study, I will be focusing my research on one specific group which opposes US-CRC ratification, ParentalRights.org. This organization is a focal point in the fight against the CRC ratification, and has successfully rallied other smaller organizations to its cause. On its website ([www.parentalrights.org](http://www.parentalrights.org)), ParentalRights.org lists 71 US allied organizations.

In this section, I will briefly give some insight into the creation of ParentalRights.org, as well as into the identity of its founder, Michael Farris, an outspoken American advocate for parental rights and against children's rights and the CRC.

#### **3.1 Michael P. Farris: the creation of the HSLDA and the Patrick Henry Christian College**

Michael P. Farris is an American attorney specialized in constitutional law. In 1983, Farris founded the Home School Legal Defense Association (HSLDA), of which to this day he remains the Chairman and General Counsel. The HSLDA is a non-profit advocacy group, with the mission to *"defend and advance the constitutional rights of parents to direct the education of their children and to protect family freedoms"*

([www.hsllda.org/about/](http://www.hsllda.org/about/)). The HSLDA advocates for the rights of American parents to homeschool, in some cases offering legal counsel to homeschooling families. Farris has referred to the HSLDA as *"the largest homeschooling advocacy group in the world"* (Farris, statement before the US Senate Foreign Relations Committee, July 12th 2012<sup>19</sup>). In 2000, Farris founded the Patrick Henry Christian College in Purcellville, Virginia, an institution of higher education which recruits and trains home-schooled youths. Farris presently serves as Chancellor and Professor of constitutional law, and also hosts a nationwide daily radio program, Home School Heartbeat.

### 3.2 The creation of ParentalRights.org

By 2007, Farris had long since established himself as a conservative leader within the US homeschooling community. Since the adoption of the CRC in 1989, Farris had expressed his opposition to the treaty, since he considered that the convention would limit the right of parents to homeschool their children, a right which Farris had devoted his life's work towards safeguarding. In 2003 the Campaign for US Ratification of the CRC came into existence, and Farris recognized the need to create a new organization with the specific mission of advocating against CRC ratification. For this purpose, in 2007, Farris tackled a new political endeavor by founding ParentalRights.org, an internet-based organization of which he is the President. Its mission is to promote and defend "parental rights", a concept which merits some further explanation.

ParentalRights.org defines parental rights as *"the fundamental right of parents to direct the upbringing, education, and care of their children"* (ParentalRights.org website). The notion of "fundamental right", in the context of a given legal system, refers to entitlements that are viewed as basic or inalienable. Many fundamental rights are viewed as being human rights, such as the right to self-determination, to freedom of thought, religion or expression. The US parental rights movement advances that the current public policy and ensuing laws deny parents fundamental rights, namely the right to direct the upbringing of children as the parents see fit.

ParentalRights.org's mission statement is published on the organization's website:

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<sup>19</sup> Retrieved 12.11.2012

[http://www.foreign.senate.gov/imo/media/doc/REVISED\\_Michael\\_Farris\\_Testimony.pdf](http://www.foreign.senate.gov/imo/media/doc/REVISED_Michael_Farris_Testimony.pdf).

*ParentalRights.org's mission is to protect children by empowering parents through the adoption of the Parental Rights Amendment to the U.S. Constitution and by preventing U.S. ratification of the UN's Convention on the Rights of the Child (CRC):*

*(1) by securing citizen support for the Parental Rights Amendment;*

*(2) by securing cosponsors for the Parental Rights Amendment in the U.S. House and in the Senate;*

*(3) by encouraging state legislative resolutions in support of the Parental Rights Amendment;*

*(4) by securing sponsors for U.S. Senate Resolution 99 opposing ratification of the CRC.*

*Our team works to preserve the right of every current and future American child to be raised and represented by parents who love them, and not by disconnected government bureaucrats.*

### **3.3 The Proposed Parental Rights Amendment to the U.S. Constitution**

In the US, a constitutional amendment is a correction or revision of the original content of the Constitution of 1788. Every year, some two hundred amendments to the US constitution are introduced. Of these, only a rare 27 have been approved, having been ratified by three-quarters of the states. Through the Parental Rights Amendment, the organization seeks to “safeguard the rights of parents to raise their children” (excerpt from ParentalRights.org website). The Parental Rights Amendment reads as follows:

*The proposed Parental Rights Amendment to the US Constitution:*

#### **SECTION 1**

*The liberty of parents to direct the upbringing, education, and care of their children is a fundamental right.*

#### **SECTION 2**

*Neither the United States nor any state shall infringe this right without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served.*

#### **SECTION 3**



*This article shall not be construed to apply to a parental action or decision that would end life.*

#### SECTION 4

*No treaty may be adopted nor shall any source of international law be employed to supersede, modify, interpret, or apply to the rights guaranteed by this article.*

The resolution proposing an amendment to the US Constitution relative to parental rights was submitted to the US Senate on June 5<sup>th</sup>, 2012 (SJRes42, Annex 2). The same resolution was introduced to the House of Representatives on the same date (HJRes42, Annex 2).

In the debate surrounding US-CRC ratification, the Campaign for US Ratification of the CRC and ParentalRights.org have taken center stage, as the organizations act as representatives of the children's rights movement and the parental rights movement. In the following section, I will clarify some basic concepts belonging to social movement theory. This will be done to demonstrate how the organizations indeed share a movement-counter-movement relation.

## Chapter 4

### 1. Understanding social movement theory

In the previous sections of this paper, I have made mention of a number of social actors whom are involved in the social construction of human rights: among them are the States, the United Nations bodies, and NGOs. The human rights scholar Neil Stammers adds to this list by acknowledging that *“the role of social movements in the long-term historical development of human rights has been of great significance”* (Stammers, 1999, p. 981). Indeed, in the 1960s and 1970s, a number of social movements successfully advocated for human rights: groups of persons took to the streets and articulated their human rights claims. Most notable groups of the time include the feminist movement, the civil rights movement and the anti-war movement. Social scientists and human rights researchers have sought to deepen their understanding on the development of these social movements and how they relate to processes of social change.

The following section will explore how the social sciences have endeavored to understand and explain social movement phenomena. In the early stages of social movement research, analysts employed a “traditional” approach to understanding the phenomena, which gave way to “collective behavior theory”. Researchers later recognized the limits of this theory, and proposed a new approach consisting of “resource mobilization theory”. It should also be noted that while research on social movements has been undertaken since the 1960s, research on opposing movements, or countermovements, was undertaken at a much later date, during the 1980s (Mottl, 1980). Since this time however, the scientific community has come to recognize that countermovements represent a central but largely unexplored feature of resource mobilization theory.

#### 1.1 Collective behavior theory

Social disturbances in the U. S. and elsewhere in the late 1960's and early 1970's inspired a surge of academic interest in social movements. Notable researchers of the period include Smelser (1963), Gurr (1970), and Turner & Killian (1972). At the time, researchers concluded that a social movement emerges when a group of

individuals share a common sense of grievance. This leads the group to construct ideologies pertaining to the causes and possible means of reducing the said grievance. Therefore, it is a community's sense of discontentment at a perceived injustice which leads its members to participate in collective political activism aimed at denouncing and reducing the injustice, thus giving way to the creation of a social movement.

From this premise, the analysis of social movements was undertaken based on the idea that a close relation existed between the grievances perceived by a group of actors and the growth and decline of social movement activity (Eyerman & Jamison, 1991, p. 13). Analysts of social movements emphasized the utility of social psychology in understanding the grievances and deprivations of movement participants. This approach gave way to what is called "collective behavior theory".

Further social science research has led to doubt the assumption of a close link between preexisting discontent and the rise of social movement phenomena. Researchers gradually distanced themselves from collective behavior theory, and contended that while grievance is a necessary condition to account for the rise of any specific social movement, it is not in itself a sufficient condition. The limits of collective behavior theory based on a social psychology approach were manifest: among them, the theory failed to explain why outsiders (those without grievance) chose to actively participate in social movements (e.g. Northern white liberals involved in the Southern civil rights movement). It also failed to explain why some collectivities, although discontented, did not give way to the emergence of a social movement phenomenon (e.g. the Native American population).

## **1.2 Resource mobilization theory**

The work published by McCarthy and Zald (1977) proposed a new approach to theorizing social movements and participation in political activism. "Resource mobilization theory" focused on the dynamics of social movement growth, decline, and change. The new approach formulated by McCarthy and Zald depended more upon political, sociological and economic theories than upon the social psychology of collective behavior, thus departing from the main emphasis of their predecessors. Therefore, although grievances were still viewed as playing a role in the emergence of social movement phenomena, it no longer was the central focus of social

movement studies. McCarthy and Zald define the resource mobilization approach thusly:

*"The resource mobilization approach emphasizes both societal support and constraint of social movement phenomena. It examines the variety of resources that must be mobilized, the linkages of social movements to other groups, the dependence of movements upon external support for success, and the tactics used by authorities to control or incorporate movements" (McCarthy & Zald, 1977, p. 1213).*

Resource mobilization theory as advanced by McCarthy and Zald departed from collective behavior theory in various respects: According to this approach, social movements may or may not be the product of grievances voiced by members of the group. Each social movement has a set of target goals, a set of preferred changes toward which it claims to be working. Resource mobilization theory emphasized the variety and sources of resources. Individuals and other organizations control these resources, which can include legitimacy, money, facilities, labor, etc. The theory postulated that a considerable part of a social movement's activity involves procuring and organizing resources in order to maintain its viability and effect social change (McCarthy & Zald, 1987). The theory also stressed the relationship of social movements to the media, authorities, and other parties in order to work toward goal achievement. Whereas the traditional, grievance-based approach would consider the strategies and tactics employed by the social movement in its interaction with the State, the resource mobilization approach is therefore not only concerned with the movement's interaction with the authorities, but with other non-state actors. Also, while the proponents of collective behavior theory viewed social movements as exhibiting irrational behavior, proponents of resource mobilization theory contended that movements in fact exhibit a "rational choice framework" (McCarthy & Zald, 1987). In this respect, social movements are not to be confused with political parties and interest groups, which are said to exhibit a far more formalized organization and ideological coherence (Benford & Snow, 2000).

The resource mobilization approach has enabled researchers to study a broad range of social and political movements such as environmentalism (Klaminstein, 1995), father's rights groups (Bertoia & Drakich, 1993), religious movements (Peckham, 1998), the pro-choice movement (Staggenborg, 1988), and the human rights

movement (Stammers, 1999). For the purposes of my research, the role of social movements in the social construction of human rights merits special attention.

### 1.3 Social movements and the social construction of human rights

*"Social movements are contentious performances, displays and campaigns by which ordinary people make collective claims on others. In other words, social movements are the vehicles by which individuals may participate in public politics" (Tilly, 2004, p. 3).*

Tilly's definition of social movements suggests that it elevates and endows the individual with the power to act within the public policy arena, which would otherwise remain off-limits to the lone individual. This process can be referred to as "empowerment". In other words, the individual is given a sense of agency by which she/he may challenge certain forms of power. Therefore, by joining the ranks of a social movement, individuals are given the means to change extant power structures if they are perceived as being responsible for perpetuating certain injustices. In this way, Stammers argues that *"social movements construct human rights as challenges to power"* (Stammers, 1999, p. 986). To say that human rights are socially constructed is to say that ideas and practices in respect to human rights are *"created, recreated, and instantiated by human actors in particular socio-historical settings and conditions"* (Stammers, 1999, p. 980). From this social constructionist viewpoint, human rights are not the creation of the States or UN bodies, but of the activists said to be "on the ground", who organize themselves into social movements and make human rights claims which challenge the power structure. If these claims are successfully backed by the rest of the citizenry, the social movement may come to ultimately alter the way the State, the UN and NGOs understand human rights, and to shift the balance of power away from the State and towards civil society.

### 1.4 Defining the movement-counter movement relation

Scholars recognized that the social movements of the 1960s were often met with opposition groups, which took on the form of similarly organized social movements. Given the progressive nature of the social movements of the 1960s, those who opposed them were generally Right-wing conservative groups, which sought to block the social change advocated by the progressive movements. Because of this, counter movements were initially viewed as reactionary, conservative movements,

concerned with the safeguard of the status quo. Theorists initially viewed these reactive movements as *"a particular kind of protest movement which is a response to social change advocated by an initial movement...a conscious, collective, organized attempt to resist or to reverse social change"* (Mottl, 1980, p. 620). In other words, social movements were seen as actors of change, and countermovements were considered to be obstacles to that change. As early as in 1977, McCarthy and Zald alluded to the existence of countermovements in relation to social movements:

*"A social movement is a set of opinions and beliefs in a population which represents preferences for changing some elements of the social structure and/or reward distribution of a society. A countermovement is a set of opinions and beliefs in a population opposed to a social movement"* (McCarthy & Zald, 1977, p. 1217-1218).

McCarthy and Zald's definition is in line with the predominant view of the time on countermovements: social movements advocate for change, while the countermovement advocates for the preservation of old ways and a return to the status quo. While McCarthy and Zald allude to the existence of countermovements, they fail to commit to an in-depth explanation of the phenomena in their work. Meyer & Staggenborg criticize the resource mobilization theory for having neglected to conduct any serious study on the phenomenon of countermovements:

*"A central but largely unexplored feature of resource mobilization theory is its treatment of opposition among social movements. As one social movement begins mobilizing resources toward its goals, individuals and institutions who oppose those goals or whose resources are threatened coalesce around opposing goals into countermovements "* (Meyer & Staggenborg, 1996, p. 1628).

Lo questioned the idea that countermovements were conservative, arguing that a countermovement may very well be either conservative or progressive (Lo, 1982). He questioned the idea that the defining characteristic of a countermovement is its political conservatism, by contending that the *"defining characteristic is that [the countermovement] is dynamically engaged with and related to an oppositional movement"* (Lo, in Meyer & Staggenborg, 2000, p. 1632). Therefore, Lo had touched upon the idea that past studies had not analyzed reactive movements as part of a movement-countermovement dialectic. In Lo's view, movement and countermovement share a relation that is "dynamic", in other words ever-changing, where movement and countermovement exercise a mutual influence upon each

other. By identifying the movement-counter movement dialectic, Lo seeks to show that the analyses of both movements and counter movements can be greatly enriched by recognizing the historical relationship between them as they arise out of changing socioeconomic situations.

Zald and Useem built on Lo's view, contending that the critical characteristic of a counter movement is its dependence on and reaction to an initiating movement, thus recognizing counter movements to be an increasingly prevalent form of social change advocacy (Zald & Useem, 1987). Meyer and Staggenborg then built on the views of Zald and Useem:

*"Thinking of counter movements as networks of individuals and organizations that share many of the same objects of concern as the social movements that they oppose. They make competing claims on the state on matters of policy and politics [...] and vie for attention from the mass media and the broader public" (Meyer & Staggenborg, 2000, p. 1632).*

Here, Meyer and Staggenborg contend that movement and counter movement in fact agree upon the existence of a social problem that must be addressed. What in fact differentiates the movement from the counter movement is the fact that both entities propose different measures aimed at rectifying the said social problem.

For the past fifty years, social movement phenomena have been at the center of social science research. The outcomes of movement-counter movement conflict heavily affect future policy decisions. Therefore movements and counter movements ought to be considered as elements of common social processes of collective action centering on reform. Such is the case for the Campaign for US Ratification of the CRC and ParentalRights.org. Having provided an outline of the theoretical foundations of social movement theory, I will go on to describe how the two campaigns which make up my case study are in fact bound together in a movement-counter movement relationship.

## **2. The Campaign for US Ratification of the CRC and ParentalRights.org: the movement-counter movement relation**

It is my contention that the Campaign for US Ratification of the CRC and ParentalRights.org share a campaign-counter campaign relationship. In order to

support my claim, I will emphasize the following points: 1.) The Campaign and ParentalRights.org represent broader competing social movements, i.e. the children's rights movement and the parental rights movement 2.) The Campaign and ParentalRights.org do, in fact, share the same objects of concern 3.) While the Campaign and ParentalRights.org are concerned with the same social problem, the solutions they propose to resolve the problem are different.

## **2.1 The organizations represent broader social movements**

While the Campaign may be considered as the foremost organization dedicated to the cause of US-CRC ratification, it is certainly not the only organization dedicated to the defense and promotion of children's rights. Indeed, in the US alone, there are hundreds, if not thousands, of organizations that specialize in child protection, welfare and rights. All of these organizations carry out specific activities, but share a common goal and uphold a common ideal of society. These organizations may be referred to as "social movement organizations" or SMOs, described as *"a complex, or formal, organization which identifies its goals with the preferences of a social movement or a countermovement and attempt to implement its goals"* (McCarthy and Zald, 1977, p. 1218). The totality of SMOs constitutes a "social movement industry", or SMI. In this case, the Campaign and other child protection and welfare organizations all make up the children's rights industry. ParentalRights.org is also an SMO, within the broader parental rights movement. Proponents of the parental rights movement *"declare that parents need more protection against the intrusion of state agencies and more inclusion in the decisions affecting their children"* (Lane, 1996, p. 825). One could argue that ParentalRights.org holds a very particular place within the movement, seeing that it is the focal point of the broader parental rights movement.

Meyer and Staggenborg state that *"the emergence of one movement may precede that of its opponent and, early in such a conflict, it is appropriate to speak of the original movement and its countermovement"* (Meyer & Staggenborg, 2000, p. 1632). Chronologically speaking, the Campaign was created in 2003, and therefore precedes the creation of ParentalRights.org by four years. To keep in line with Meyer and Staggenborg's statement, the Campaign should be termed the "original campaign", with ParentalRights.org then being the "countercampaign".



One could argue the falsehood of this distinction considering that both groups can logically consider each other to be the countermovement to their own cause. Nevertheless, in this specific case, the chronological proximity of the creation dates of the organizations hints to the fact that ParentalRights.org was created specifically to counter the actions of the Campaign.

## 2.2 Both organizations share the same objects of concern

According to Meyer and Staggenborg, *“we think of countermovements as networks of individuals and organizations that share many of the same objects of concern as the social movements that they oppose”* (Meyer & Staggenborg, 2000, p. 1632). ParentalRights.org, the “countermovement”, can in fact be said to share the same objects of concern as the Campaign: in their mission statements both organizations state that their principal aim is to “protect children”. ParentalRights.org's mission statement reads:

*“ParentalRights.org's mission is to protect children by empowering parents through adoption of the Parental Rights Amendment to the U.S. Constitution and by preventing U.S. ratification of the UN's Convention on the Rights of the Child (CRC) [...]”.*

The Campaign's declaration reads:

*“As an international framework for children and youth, the CRC protects and respects children, youth, parents, and their families. Children are individuals with inherent rights and play an important role in society. US ratification of the CRC will help protect the well-being and safety of children and youth”.*

These excerpts clearly demonstrate that both organizations share the same concern: to insure the protection of children in the US, therefore conforming to the movement-countermovement definition stated above by Meyer and Staggenborg. Both organizations strive to protect children, therefore implicitly recognizing that children are in danger and thus in need of protection. The Campaign and ParentalRights.org have identified different reasons as to why they believe American children are in danger, and are proposing two very different solutions which they believe will best fulfill their common goal of child protection.

## 2.3 Movement and countermovement state competing solutions to a social problem

I have previously quoted Meyer and Staggenborg as stating that:

*"They [movement and countermovement] make competing claims on the state on matters of policy and politics [...] and vie for attention from the mass media and the broader public" (Meyer & Staggenborg, 2000, p. 1632).*

The Campaign and ParentalRights.org have made competing claims regarding public policy: while both organizations work towards the common goal of child protection, the means by which they seek to achieve this goal are fundamentally different. While the Campaign understands child protection to be achieved through the process of "child empowerment", ParentalRights.org seeks to achieve child protection through "parental empowerment".

According to Haberle, *"the ideology of movements includes ideas about the movement's goals, how they are to be attained, symbols, and underlying assumptions concerning social order and social change"* (Haberle, 1951, p. 25). This statement is pertinent since both the Campaign and ParentalRights.org possess ideologies on the ways in which the organizations' goals are to be attained.

The Campaign believes that the goal of child protection is to be attained through the ratification of the CRC, a document which enshrines the basic human rights of every child. The Campaign believes that children are best protected when they are given certain rights, which gives them the agency to defend their own interests. The process of conferring rights to children may be referred to as "child empowerment". On the other hand, ParentalRights.org believes that children are best protected when the child's parents are given certain rights, thus allowing them to defend their child's interests. This process may be referred to as "parental empowerment". ParentalRights.org further believes that the processes of "child empowerment" and "parental empowerment" are mutually exclusive: if a child were to be the beneficiary of new rights and entitlements, then the child could potentially use these rights to turn against her/his own parents. Therefore giving children rights would be synonymous to giving them free reign to assert their newly gained power over their parents. ParentalRights.org believes that empowering children in this way would inevitably lead to the victimization of parents, who would be left powerless before

the whims of their children. In order to avoid this scenario, ParentalRights.org has called on the American people to denounce the CRC as an *"attack on American families and American values"* (ParentalRights.org website) to be fought at all costs. ParentalRights.org seeks to achieve "parental empowerment" through the Parental Rights Amendment, which would elevate the parent's right to direct the upbringing and education of children to the level the constitutional law.

## 2.4 Conclusion

The Campaign for US Ratification of the CRC and ParentalRights.org demonstrate the characteristics of two organizations which share a movement-counter movement relation, as defined by Meyer and Staggenborg: Both are social movement organizations which represent competing broader social movements, and while they have identified the same social problem (a need for child protection), they disagree on the means of addressing the social problem.

The movement and counter movement are engaged in a conflict over public policy. While the Campaign seeks to inform the public on the CRC and its potentially beneficial impact if ratified, ParentalRights.org has decided to "block", or counteract and hinder the actions of the Campaign. In order to explain the blocking mechanisms put into place by ParentalRights.org, I will refer to the work of Kecks, Sikkink and Hertel. I will demonstrate how the opposition has successfully resorted to "blocking moves", a concept defined by Shareen Hertel (Hertel, 2006). The countercampaign has responded by blocking the campaign by advancing three points: 1) American parents are being unjustly targeted by the Campaign 2) Linking the issue to different and equally important sets of values that are supported by the majority of the citizenry 3) Proposing the Parental Rights Constitutional Amendment, which would prevent the ratification of the CRC for the foreseeable future if accepted by the US government.

## Chapter 5

### 1. Blocking mechanisms utilized by ParentalRights.org

#### 1.1 Blocking mechanisms according to Shareen Hertel

John Elster defines mechanisms as *"frequently occurring and easily recognizable causal patterns...which allow us to explain, but not predict certain events"* (Elster, 1999, p. 26). Thinking about mechanisms is useful for the social scientist studying human rights advocacy campaigns, in constructing a partial explanation as to why particular understandings of norms emerge in the context of human rights campaigns and how they change over time as a result of these mechanisms. Typically, in the context of human rights advocacy campaigns, activists on the "sending end" will adopt and spread a particular human rights message. Those on the "receiving end" will either accept the message and collaborate with the "senders", or choose to refute the message, wholly or partially.

Scholarship dealing with transnational advocacy was shaped by the pioneering work of Margaret Keck and Kathryn Sikkink, who in 1998 published *"Activists beyond borders"*. The publication identified what Keck and Sikkink called the "boomerang" pattern in transnational advocacy: actors who seek to change an oppressive situation in their own country enlist the help of external supporters; the actions of the external supporters then metaphorically "boomerangs" back via transnational campaigns (Keck & Sikkink, 1998, p. 12-13).

Building on the work of Keck and Sikkink, Shareen Hertel developed new dimensions of transnational advocacy in her 2006 publication *"Unexpected power: Conflict and change among transnational activists"*. Hertel introduces two new forms of campaign evolution in addition to the "boomerang effect" introduced by Keck and Sikkink. Hertel explores what happens in the situation where receiving end activists do not agree with the initial message put forth by the sending end activists. In this scenario, Hertel contends that activists on the receiving end will make alternative human rights claims, by either rejecting, totally or partially, the claims of the senders. This form of resistance may, as a result, bring about a shift in the normative frame of the initial campaign.

The two new mechanisms that Hertel introduces in her publication are referred to as “blocking” and “backdoor moves”. For the purposes of my research, I will be focusing solely on blocking mechanisms, which Hertel defines in the following terms:

*“Blocking [...] is action by receiving-end activists aimed at halting or at least significantly stalling a campaign's progress in order to pressure senders to change their frame. Activists on the receiving end of a campaign block by expressing norms in a way very distinct from that of the senders, seeking to stop the campaign until the understandings of norms on both “ends” of the campaign are aligned. Actors on the receiving end of the campaign choose normative reference points – such as human rights treaties – that are distinct from those the senders refer to in setting the campaign's opening frame. The receivers express their alternative position openly and use a variety of contentious tactics aimed at persuading the senders to change their frame and corresponding policy goals” (Hertel, 2006, p. 6).*

Keck, Sikkink and Hertel devised the mechanisms within their research on transnational, cross-border advocacy campaigns. Their work aimed to create a framework for identifying significant patterns of interaction (i.e., mechanisms) in the context of transnational human rights advocacy campaigns. Admittedly, my own research does not tend to the subject of transnational advocacy, but rather focuses on two opposing campaigns whose interaction is limited to a single-country setting. Nevertheless, for the purpose of my own research, I believe that the blocking mechanisms described by Hertel can be extended towards explaining the interaction between human rights advocacy campaigns within a single-country setting. In order to verify this, I have selected two opposing campaigns, the Campaign for US Ratification of the CRC and ParentalRights.org, in order to illustrate how a national campaign can indeed have recourse to “blocking” mechanisms in order to halt or stall an opposing campaign's progress.

The following section specifically examines ParentalRights.org's reactions to the Campaign's efforts to obtain US-CRC ratification. This portion seeks to answer a deceptively simple question: can a political countermovement fight back against an overwhelmingly sympathetic movement such as the children's rights movement? Indeed, because there is so much public agreement on the need to protect children against abuse and poverty, this would seem highly unlikely. In fact, the literature on social movements suggests that the children's rights movement is a “clear consensus movement”, enjoying such a degree of societal support that countermobilization is

deemed almost impossible (McCarthy & Wolfson, 1992). However, in 2007, ParentalRights.org took on such an endeavor. Parental rights activists do not contest the central goal of the Campaign for US Ratification of the CRC – to protect children against poverty, abuse, neglect etc. – but they object to the idea that CRC ratification is the best way to achieve this goal.

ParentalRights.org is blocking the Campaign by advancing three points: 1) American parents are being unjustly targeted by the Campaign 2) Linking the issue to different and equally important sets of values that are supported by the majority of the citizenry 3) Proposing the Parental Rights Constitutional Amendment, which would prevent the ratification of the CRC for the foreseeable future if accepted by the US government. The following section will expand on each of these points.

## **1.2 American parents are being unjustly targeted by the Campaign**

In order to explain this point, I will refer to an article published by Jocelyn Crowley in 2009. Her research focused on father's rights activists in the US, who expressed their growing frustration at a situation they find unjust: they feel that groups which advocate for the rights of battered women in the US have inappropriately vilified fathers, by depicting ALL fathers as "potential batterers". In this way, women's rights groups hope to secure advantages for their female clients, in the form of child custody or spousal support. Because women's rights groups have depicted ALL fathers as unfit, father's rights activists believe that loving and non-violent fathers are being denied custody of their children. Father's rights advocates therefore believe themselves to be victims of what Crowley calls "enemy boundary creep" (Crowley, 2009, p. 723), a perception whereby a group feels that it is being unjustly identified as deviant or criminal. While the fathers' rights advocates interviewed by Crowley stated that domestic violence is undoubtedly a real and serious problem, they feel dismayed that ALL fathers are being perceived as "the adversary" by the women's rights groups. The purpose of Crowley's analyses is to *"articulate how an unlikely countermovement can use the accusation of enemy boundary creep by its social movement opponents in an effort to shift the political discourse on a significant public problem"* (Crowley, 2009p. 273).

The fathers' rights group studied by Crowley shares a common point with the parental rights group at the center of my own study, ParentalRights.org: both

organizations accuse the opposing social movement of enemy boundary creep. By doing so, they seek to discredit the opposition and gain supporters. This phenomenon is called "enemy boundary push back" by Crowley (2009, p. 725). While fathers' rights groups feel that women's rights groups portray all fathers as violent and unloving husbands and fathers, ParentalRights.org feels that the CRC, and the Campaign that advocates for its ratification, are responsible for unfairly portraying American parents as being unfit, abusive, and a potential danger to their own children.

Using material obtained through the ParentalRights.org website and the ParentalRights docudrama<sup>20</sup>, it is possible to detail the narrative ParentalRights.org has adopted as to how the Campaign is guilty of enemy boundary creep. On the ParentalRights.org website, the public may freely view the docudrama, produced by the organization, entitled "Overruled: government invasion of your parental rights". Within the first minute of the documentary, the following words are uttered by the narrator:

*"Parents across America are losing their parental rights. These aren't abusive or neglectful parents; but parents who love and protect their children. So why are good parents losing their rights? (Overruled, Voice of Narrator, 01:00).*

In this way, ParentalRights.org identifies a social problem it seeks to redress: innocent parents are being victimized. The organization implies that while it is lawful and just to prosecute abusive and neglectful parents, it is unacceptable to encroach upon the reputations and rights of "good parents". In this way, ParentalRights.org sets the tone: it is on a mission to protect American parents who have been unjustly targeted by the CRC (and, by extension, by the campaign). In the docudrama, Farris is interviewed, and during one segment states that:

*"The government has a role, it's not the role of a parent, it's a role of a backstop. If you abuse your kids, if you neglect your kids and they have evidence of that, then the government moves in, and they should move in, in those circumstances. But when they treat all of us as if we're child abusers, that's absolutely outrageous, and we can't stand for it" (Overruled, Michael Farris, 14:47)*

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<sup>20</sup> ParentalRights.org Docudrama: ParentalRights.org released a film (release date unknown), entitled "Overruled: Government Invasion of Your ParentalRights". The film is 36 minutes long and features a number of high ranked members of ParentalRights.org, including Michael Farris. The Film may be viewed at: <http://www.overruledmovie.com/>. Retrieved 14.11.2012.

In his statement, Farris explicitly states that American parents are victims of enemy boundary creep. His point of view is further emphasized by the intervention of William Wagner, Vice-President of ParentalRights.org:

*"A fit, loving parent, who cares for their (sic) children, is now put in the same position as an unfit, abusive parent, under the provisions of the UN convention on the rights of the child" (Overruled, William Wagner, 18:45).*

On the ParentalRights.org website, the public may also access articles written by Michael Farris. One such article is "Nannies in blue berets: a legal analysis. Understanding the UN convention on the rights of the child" (2008). An excerpt of the text reads as follows:

*"The best interest of the child principle would give the government the ability to override every decision made by every parent if a government worker disagreed with the parent's decision." (Farris, 2008, p. 1)*

In this passage, Farris warns the American public that the CRC would give the US government license to monitor the parent-child relationship, especially in regards to the decisions parents make concerning their children. It is of interest to note the use of emphasis in the phrase *"every decision made by every parent"*. Such emphasis suggests that the CRC would bear tangible effects upon ALL parents, i.e. those who are guilty of child abuse and neglect, as well as those who are not. ParentalRights.org argues that if the CRC is ratified, then loving and nurturing parents would be subjected to the same government control as unfit parents. The organization therefore contends that the CRC is a legal instrument which would cause the government to regard ALL parents with suspicion, considering ALL parents as potential child abusers. In this way, ParentalRights.org feels that American parents are falling victims to enemy boundary creep, the phenomenon defined by Crowley. While ParentalRights.org certainly does not uphold the freedom of abusers to victimize children, it upholds the view that the majority of American parents are perfectly able to direct the upbringing of their children and insure their protection. The mere idea that respectable citizens should have their relationship with their children monitored by a treaty is enough for ParentalRights.org to denounce the treaty as an unwarranted attack on the reputations of innocent, loving and law-abiding American parents.



*"A child's "right to be heard" would allow him (or her) to seek governmental review of every parental decision with which the child disagreed." (Farris, 2008, p. 1)*

Again, this excerpt would go further to suggest that the CRC would give the US government license to indiscriminately intrude into the private sphere of the family. Again, the emphasis on "every decision" would suggest that even the most benign parental decisions would come under government scrutiny, thus subjecting even the most capable parents to an untenable degree of government suspicion.

In his text "Nannies in blue berets" (2008), Farris recounts a legal case, which he refers to as "The Church Case". The case occurred in the early 1980s in Island County, Washington. Farris himself was involved in the case as legal counsel. The details of the case are recounted by Farris by the following:

*"A 13 year-old boy in that county [Island County, WA] complained to the counselors in his public school that his parents took him to church more often than he desired. This, of course, constituted a conflict between parent and child. Therefore, the school counselors turned the matter over to the Department of Social Services who immediately removed custody of the boy and scheduled a hearing approximately three days later. The parents obtained me as their lawyer to contest this removal and to get their son back.*

*There was no suggestion of abuse or neglect of any kind. The sole issue was whether the child's wishes regarding the amount of church attendance would be honored rather than the direction of the parents. By the way, the parents attended church Sunday morning, Sunday evening, and Wednesday night. The boy was willing to attend church only on Sunday morning. Under traditional American law, this case would have never been filed or would have been immediately dismissed. Absent proof of abuse or neglect, courts and social workers simply do not have the authority to intervene in parental decisions of this nature. Specifically, this means that under traditional standards the government may not substitute its judgment for that of the parent until there is proof of abuse, neglect, or some other form of harm to the child. But under this new Washington law, the standards were changed. Without any finding of abuse or neglect, the trial judge ruled that the wishes of the child should be taken into account, and it was his view that the best interests of the child would be served if the boy was allowed to limit his attendance at church to once a week. Accordingly, he ordered the parents to follow the boy's wishes or else the state would retain custody of the child. I wanted to appeal the case for the parents but I could not guarantee them that they would retain custody of their son during the appeal. Accordingly, they decided to not appeal and obey the court's order to regain custody of their son.*

*This case is an absolute perfect example of what would happen if the United States were to adopt the UN Convention on the Rights of the Child. In two very important areas of parental choice—religion and education—it is absolutely clear that the CRC interferes with parental choice and elevates a child's wishes over that of the parent, at least as the child gets older (Michael Farris, 2008, p. 10-11).*

Through the “church case”, Farris seeks to pass an unequivocal message: the CRC is legal framework which will ultimately serve to vilify American parents, even those parents who demonstrate adequate parenting. The Church Case is a bizarre and extreme legal case, which has obviously been chosen by ParentalRights.org for its “shock value”. Nevertheless, to the extent that the case did in fact occur, it is a case which Farris is using to pass a message: if the CRC is ratified, an ever greater number of American parents will fall victim to enemy boundary creep. Parents who are not guilty of abuse or neglect will be under tight governmental supervision and treated as potential criminals. Any form of potential conflict between child and parent would be sufficient grounds for the US government to sweep in and intimidate parents into compliance, without regard for the parents' views.

### **1.3 Advancing other values that are dear to the public**

Social movements are rarely able to ignore their opposition. This is especially true in open political systems; social movements that achieve initial success in the legislative or judicial arenas must always be prepared for counterattack. One of the most effective means of counterattack is to “*link the issue under consideration to a different and equally important set of values that are supported by the majority of the citizenry*” (Meyer & Staggenborg, 1996, p. 1638). It is my belief that ParentalRights.org is doing just that, by advancing that the CRC, and the Campaign by extension, is waging a war on the core American values. Namely, the opposition is accusing the treaty of destroying the traditional American family.

The CRC was adopted by the UN General Assembly only eleven days after the Berlin Wall fell. With the final collapse of the Soviet Union in 1991, Americans began to look elsewhere for an organizing principle to guide American politics. In 1992, Patrick Buchanan gave voice to what had increasingly become identified as a major political issue: the culture wars. In the following terms, Buchanan describes the

conflict that had, in the eyes of many conservative Americans, replaced the Cold War:

*"My friends, this election is about much more than who gets what. It is about who we are. It is about what we believe. It is about what we stand for as Americans. There is a religious war going on in our country for the soul of America. It is a cultural war, as critical to the kind of nation we will one day be as was the Cold War itself" (Patrick Buchanan, Speech at the Republican National Convention, 17.08.1992).*

While the term "culture wars" already existed in the political lexicon, *"it was Patrick Buchanan's call to arms that entrenched it in public discussion"* (Gunn, 2006, p. 98). In the aftermath of the Cold War, a new conflict is identified. While the Soviets were an outside menace, conveniently hidden away behind the Wall, the new "religious war" or "culture war" is a conflict which pits American against each other. In this view, progressives and conservatives, democrats and republicans, are engaged in a conflict over religious and moral issues such as abortion, homosexual rights, religion in public schools, etc. This situation has led journalist Michael Barone to venture that *"America is two countries. And they're not on speaking terms"* (Barone, The Washington Examiner, 06.11.2012).

Through their docudrama, ParentalRights.org is circulating the idea that they are indeed in the midst of a culture war. They believe to have identified a new international threat: the CRC. The said treaty is considered dangerous since it carries out an assault on what the organization perceives to be the "traditional family". The treaty is the product the United Nations, which *"many Americans had previously accused of being the willing handmaiden of expansionist and atheistic communism"* (Gunn, 2006, p. 111). The CRC then became fodder in the American "culture wars" that had been announced by the religious right and its allies. For example, an expert on family issues from the conservative Heritage Foundation put it thusly: *"The United Nations has become a tool of a powerful feminist-socialist alliance that has worked deliberately to promote a radical restructuring of society"* (Fagan, 2001, p. 3).

ParentalRights.org treats the CRC as if it were a clear and present danger to American families. Members of the organizations appear to have been galvanized by the same "culture wars" issues that were identified in Patrick Buchanan's 1992 speech: contraception, abortion, homosexuality, parental discipline of children, and parental control over decisions affecting children's lives. While it is true that the CRC

makes mention of some of these issues, ParentalRights.org has interpreted the Convention as if the document were intentionally designed to promote all of these perceived evils, as it has been argued by Bill Saunders of the Family Research Council:

*"Nearly all the evils we face can be hidden in this language [of the CRC]: abortion, contraception as health care, pornographic sex education, abortion as a method of family planning, stigmatization of traditional religious beliefs and educational practices, and the exportation of the culture of death to the developing world" (Saunders, 2002, p. 2).*

With the same rhetorical anger which was used to denounce communism in the 1950s, ParentalRights.org is attacking the CRC and the Campaign associated to it. In this vein, the ParentalRights.org docudrama actually likens the CRC to socialism. The docudrama features John Rosemond, who is referred to as a "family psychologist and author". He identifies the CRC to a government attempt to institute socialism in America, quoting Marxist theory:

*"Karl Marx said in order to establish a perfect socialist state, you have to destroy the family. You have to substitute the government and its authority for parental authority in the rearing of children" [...] "The parental rights amendment is really the last roadblock against the implementation of socialism in America." (John Rosemond, Overruled Docudrama, 15:10 and 30:51)*

## **1.4 Proposing the Parental Rights Constitutional Amendment**

The third and final blocking mechanism employed by ParentalRights.org to counter the actions of the Campaign is the creation of a Parental Rights Constitutional Amendment, which contains the four following sections:

*SECTION 1: The liberty of parents to direct the upbringing, education, and care of their children is a fundamental right.*

*SECTION 2: Neither the United States nor any State shall infringe this right without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served.*

*SECTION 3: This article shall not be construed to apply to a parental action or decision that would end life.*

*SECTION 4: No treaty may be adopted nor shall any source of international law be employed to supersede, modify, interpret, or apply to the rights guaranteed by this article.*

Sections 1, 2 and 3 serve to simply re-emphasize facts that are already largely accepted by the American public: 1) parents are the primary caretakers of their children, and as such are responsible for the child's upbringing, protection and education 2) parents have a right to freedom and privacy and may therefore raise their children as they see fit in the privacy of the family sphere, free from government intrusion 3) parents are not allowed to kill their offspring. In my opinion, section 1, 2 and 3 serve to do little more than repeat very basic rights that are already firmly enshrined in the American legal system.

It is section 4 which is of most interest. Indeed, this section implicitly recognizes the superiority of US constitutional law over international law, since it stipulates that international law may not be used to limit the rights enounced by the Parental Rights Amendment. ParentalRights.org has added section 4, since they believe that if the CRC were to be ratified, it would limit the parent's freedom to direct the upbringing of children, and allow undue government intrusion into the private family-sphere.

In my opinion, the CRC will not limit the parent's freedom to direct the upbringing the children. Quite to the contrary, the CRC explicitly stipulates that parents have the responsibility and duty to direct the upbringing of the child:

*States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern (CRC, Article 18.1).*

The CRC has adopted an equally firm stance against unwarranted government intrusion into the family life:

*No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honor and reputation (CRC, Article 16).*

Section 4 was elaborated by ParentalRights.org to serve as a constitutional roadblock to prevent the CRC from achieving ratification. However, it would appear that section 4 would not prevent CRC ratification after all: the section

prohibits the US government from ratifying international instruments that would limit the parents' right to raise their children and allow government intrusion into the private sphere of the family. As I have previously mentioned, the CRC does nothing of the sort. Therefore, I would contend that the Parental Rights Amendment, in fact, does not contain any provisions that contradict the CRC. Therefore, even if the amendment were to be accepted by the American people, it would not prevent the CRC from achieving ratification.

## **2. Learning lessons from the CRPD: The United Nations Convention on the Rights of Persons with Disabilities**

In the previous sections of this study, I enumerated the obstacles that the CRC faces on the road to US ratification. It has been established that the blocking actions made by conservative groups constitute a major obstacle to ratification. In order to alienate the CRC in the eyes of the American public, they have labeled the CRC with inflammatory terms, calling the CRC "anti-American", "a foreign conspiracy to undermine American sovereignty" and an "attack upon American families". One could argue that such hostility is to be expected from the conservative groups, given their suspicion of the UN and their open disdain for any foreign influence upon American law, firmly rooted in the ideology of American exceptionalism.

Paradoxically though, there exists another UN human rights convention that is being met with open support of behalf of prominent US conservatives and progressives alike: the UN Convention on the Rights of Persons with Disabilities (CRPD). The CRPD was adopted by the UN General Assembly on the 13th of December, 2009, and entered into force on the 3rd of May, 2008. The purpose of the CRPD is to "*promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity*" (UNCRPD, Article 1). The US signed the CRPD in 2006, and in 2012 the treaty appears to be on the fast-track to US ratification: On May 17th, 2012, the Obama Administration submitted the CRPD to the Senate. On July 27th 2012, the Senate Foreign Relations Committee voted 13 to 6 to send the CRPD to the full Senate. If a two-thirds vote (67 Senators) is to be secured by the members of the Senate in favor of ratification, then the President will be able to proceed to ratification.

The US government's support for the CRPD brings up a rather intriguing question: why do US conservatives support the ratification of the CRPD, while continuing to categorically oppose CRC ratification? In order to explain this seemingly paradoxical situation, I will contend that the conservative political right has accepted to support the CRPD because the treaty has been framed in a way that renders it more attractive to the conservative constituency. In the following section, I will further elaborate on my hypothesis.

## 2.1 Framing the CRPD

On July 12th 2012, Senator John McCain and Senator Robert “Bob” Dole made statements before the Senate Committee on Foreign Relations in support of the CRPD (both statements in Annex 4). McCain and Dole are nationally recognized members of the American Republican Party: McCain is US Senator of Arizona, and was the Republican Party presidential nominee in the election of 2008, losing to Barack Obama. Dole was also the Republican Party presidential nominee in the election of 1996, losing to incumbent Democrat Bill Clinton.

On July 12<sup>th</sup>, 2012, McCain stated before the Senate Foreign Relations Committee that he and Democrat Senator Durbin of Illinois were working together *“in a bipartisan manner [to] build bipartisan support for ratification of this treaty”*. McCain further stated that he and Durbin were *“working closely with Senators Moran, Borrasso, Coons, Tom Udall and Harkin. The list of bipartisan supporters continues to grow”* (McCain, 2012).

McCain and Dole put forth the reasons they believed why the CRPD should be ratified by the US. Interestingly, the arguments they present are very similar to those advanced by children's rights advocates for the ratification of the CRC:

- The US should ratify the convention in order to cement the nation's position of global leadership in the field of human rights.
- US support of the convention would go far to help advance the human rights agenda globally.
- The defense of human rights and liberties is a proud American tradition.
- Current US laws satisfy the requirements of the convention already.
- Ratification would strengthen the ties between the US and its UN allies.

In order to understand why the conservative right supports the CRPD, it is necessary understand how the Republicans have chosen to frame the issue of rights for the disabled. Indeed, securing rights for the disabled has never been a priority in comparison to more pressing issues, such as economic advantage and national security. CRPD advocates understand this, and have sought to frame the CRPD in a way that successfully links the convention to an issue that is dear to the Republican Party's heart: the issue of the well-being of American troops.

Persons who are "disabled" present a broad spectrum of physical, mental, or intellectual handicaps. In his statement before the Senate Foreign Relations Committee, McCain singled out one very specific group of disabled persons, the disabled Veterans of the US Armed Forces, who returned from combat with disabilities ranging from limb amputation to Post Traumatic Stress Disorder (PTSD). In 2010, the number of US military Veterans was estimated to be 21.8 million, of which 3.4 million presented a service-connected disability<sup>21</sup>. By singling this specific group within the larger class of disabled persons, McCain and Dole managed to frame the issue of CRPD ratification in a way that would rally Republicans to their cause: by arguing that CRPD ratification is synonymous to supporting US troops, soldiers who sacrificed their well-being to defend the American values of freedom and democracy. It is the American citizen's duty to "give back" to army Veterans, allowing them to lead a full and dignified life after active service, or in the words of Senator Dole:

*"US ratification of the CRPD will improve the physical, technological and communication access outside the US, thereby helping to ensure that Americans – particularly, many thousands of disabled American Veterans – have equal opportunities to live, work, and travel abroad" (Bob Dole, July 12, 2012, Statement before the Senate Foreign Relations Committee).*

By means of adopting a frame which attracts the support of both political parties, McCain and Dole have succeeded in galvanizing the US government into action, helping to put the CRPD on the fast track to ratification.

While certain members of the Republican Party seemingly support the CRPD in order to ensure rights for disabled Veterans, I believe their support for the treaty may reflect a hidden agenda. States such as Virginia and Florida are home to the highest rates

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<sup>21</sup>Retrieved 10.11.2012. <http://www.disabled-world.com/disability/statistics/veteran-statistics.php>



of disabled Veteran resident in the US, according to a census in 2010 by the United States Department of Veteran Affairs. Both Virginia and Florida are "swing states", a state in which no single candidate or party has overwhelming support in securing that state's Electoral College votes. Swing states are targets of both major political parties during presidential elections, since winning these states is the best opportunity for a party to gain electoral votes. It is my suspicion that Republicans may be supporting the CRPD in the hopes of gaining the sympathy of swing state voters during future presidential elections.

## 2.2 Michael Farris on the CRPD

An outspoken opponent of the CRPD is none other than Michael Farris, who is, as we have mentioned, the President of ParentalRights.org and a staunch opponent to the CRC. On July 12th, 2012, Farris went before the Senate Foreign Relations Committee to debate the merits of CRPD ratification. Farris argued that the Committee should not send the CRPD to the Senate for its advice and consent. Farris attacked Article 7, section 2 and 3 of the CRPD. The provision is entitled "Children with Disabilities". The provision reads as follows:

### *CRPD, Article 7*

#### *Children with disabilities*

- 1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.*
- 2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.*
- 3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.*

Farris was especially against section 2 and 3 of the provision, contending that the said provisions would interfere with the rights of disabled children who are homeschooled:

*"The UNCRPD incorporates several key elements from the UNCRC that, as I will demonstrate, lead to the conclusion that parental rights in the education of disabled children are supplanted by a new theory of governmental oversight and superiority. In short, government agents, and not parents, are being given the authority to decide all educational and treatment issues for disabled children." (Farris, July 12, 2012, Statement before the Senate Foreign Affairs Committee, p. 7).*

Farris views Article 7(2 & 3) as paralleling Articles 2 and 12 of the CRC. In Farris' view, if the CRPD were to be ratified by the US, the nation would unwittingly be accepting provisions of the CRC. In his view, this constitutes a latent attempt on behalf of the US government to pass the CRC "by the back door" and exercise its unwarranted interference in the private sphere of American families. Farris is especially concerned that clauses 2 and 3 of article 7 could be construed as to endanger the rights of homeschooled disabled children.

### **2.3 The children's rights movements: learning lessons from the CRPD**

Today, the CRPD is on the fast track to ratification, largely thanks to republicans of the likes of Dole and McCain, who framed the treaty as a document which gave much needed support to disabled Veterans. In this way, public sympathy can be gained in favor of the CRPD, and it continues to gain bipartisan support. While the CRPD is on its way towards timely ratification, progress on the CRC-front has been stalled indefinitely by its opponents, despite having been adopted twenty years prior to the CRPD by the UN General Assembly.

Presently, the children's rights/parental rights movements are engaged in a stalemate: the CRC has come no closer to ratification, and the Parental Rights Constitutional Amendment has not achieved notable success. Is there a way for the Campaign to end the stalemate? In the following and final section of this thesis, I will suggest some possible future strategies the Campaign may adopt in order to achieve their goal of CRC ratification. It is my belief that the Campaign should: 1) Hire a full-time campaign coordinator. 2) Engage in public debate. 3) Change the frame. 4) Create partnerships with organizations which carry out human rights education in schools to spread the children's rights message.

## **Chapter 6**

### **1. Concluding thoughts: future strategies for the Campaign for US Ratification of the CRC.**

#### **1.1 Employment of a full-time campaign coordinator**

Interviewed members of the Campaign for US Ratification of the CRC have referred to the fact that during the initial years of the Campaign (circa 2005 to 2009), a person was employed as “campaign coordinator”. The position was financed by the Covenant House (largest privately funded agency in the US), and involved tasks such as scheduling meetings among the Campaign steering committee as well as contacting government officials to inform them of the goals and activities of the Campaign. In short, the campaign coordinator was in charge of internal and external relations. Due to lack of funding, the Campaign has not employed a campaign coordinator since 2009. In the absence of a campaign coordinator, the steering committee members took up the task of scheduling meetings and performing public outreach, but they remain involved on a volunteer basis. Otherwise put, their coordinating efforts are not their main function, and often get relegated in the face of more pressing matters.

I would suggest that the future success of the Campaign greatly depends on the possibility of employing a full-time campaign coordinator. This person would have the responsibility of sending out a single, standardized message on CRC ratification to members of Senate and Congress in order to gain their support. Also, the campaign coordinator would have the task to reach out to what the Campaign calls “partner organizations” in order to facilitate inter-group advocacy collaboration.

#### **1.2 Engage in debates with the opposition**

On September 19<sup>th</sup> the Campaign held a periodical meeting, to which I participated via Skype. During the said meeting, the Steering Committee shared their thoughts on future CRC advocacy strategies. Members of the Campaign agreed that they should not engage in public debate with the opposition. The Campaign members should not seek to undermine the opposition's claims, and when the Campaign does

decide to speak, it must focus on public education, by which it may succeed in educating the opposition on the benefits of CRC ratification. Members of the Campaign specified that the Campaign should avoid engaging in any public debate with the opposition, including ParentalRights.org, on the merits of the CRC. The Campaign would rather lie low than attract unwanted publicity. Campaign members stressed the importance of presenting the CRC as a consensus document, and not as a text which generates discord among Americans. If the American government and the general public were to perceive the CRC as a controversial text, this would diminish the Campaign's chances at obtaining CRC ratification.

Any topic, if important enough, will become subject to controversy. Shying away from public debate will not make the topic of children's rights appear less controversial, but instead will breed more confusion around the convention. More than twenty years after the 1989 adoption of the CRC, it is clear that children's rights are indeed a divide-creating issue in the United States. The CRC is a text that has undergone extensive criticism to the point where it is no longer possible to market the CRC as a consensus document, i.e. something that all Americans can agree upon. I would therefore contend that the Campaign's present strategy of avoiding all debate with the opposition to be counterproductive: entering into debate and discussion would permit the Campaign to reiterate their arguments, possibly before a larger audience, thus possibly winning over a number of supporters. The aforementioned campaign coordinator should be knowledgeable in dealings with the media, and work to secure Campaign members with precious air-time on regional or national radio and television in order to spread the Campaign's message throughout the nation.

### **1.3 Change the frame**

The US children's rights advocates have failed to frame the issue of children's rights in a way that would galvanize the American public and government into action. Proponents of the CRPD, on the other hand, have managed just that: they have succeeded in deftly framing the CRPD as a document relative to the rights of US war Veterans, thus winning over the public support of the Veterans and soldiers themselves, as well as winning over the support of the general public who empathize with the plight of wounded soldiers.

Indeed, if the CRC has remained unratified for over two decades, the fault may lie with the children rights movement, who never quite succeeded in framing the issue of children's rights in a way that would incur the support of the general American public. US children's rights advocates often adopt a child-centric stance: CRC advocates mainly argue that the treaty would give children rights, therefore giving the impression that children would be the sole beneficiaries of the rights enshrined in the Convention. Children's rights advocates have neglected to state that the CRC, in fact, also contains provisions relative to the rights of parents, legal guardians, foster parents, the extended family, and indeed of society at large. By singling out the child as the single beneficiary of the protection offered by the CRC, the children's rights movement appears to be "putting children first", at the perceived detriment of parents and other family members whose rights appear to be minimized or ignored. I would contend, therefore, that the American children's rights movement's message of "giving children rights" has never quite managed to capture the attention of the American public, since it is a message which can easily be manipulated by the opposition to appear to discriminate against the rights of parents.

The US children's rights movement should broaden its frame: inform the public that the CRC does in fact also include provisions which especially protect parents and the family unit, rather than just children (including but not limited to: article 3, 5, 9, 10, 14, 16, 18, 24 etc.) This would permit the movement to gain more public support for the Convention, as well as to neutralize the opposition's arguments which accuse the children's rights movement of "putting children first at the detriment of parents". If the movement refuses to broaden its frame in this way, they will remain vulnerable to attacks by countermovement actors.

For the past quarter-century, US children's rights advocates have resorted to the rhetoric of "giving rights to children". This has proven ineffective, and as a result the CRC remains in its unratified state. Why not attempt to frame the Convention as "giving rights to your family". Advocates should market the CRC as a document which promotes a happy and safe family environment, free from government intrusion, which is achieved when all members of the family are considered as rights-bearers, children and parents alike.

#### **1.4 Partner with organizations which specialize human rights education in schools**

The final recommendation to the Campaign in view of bettering their advocacy strategies is to reach out to organizations which specialize in the field of human rights education in American schools. In the US alone, there are multiple organizations which either provide human rights education in schools or which are involved in the development of educational materials. However, their main focus is human rights in general, and not children's rights in particular. Were the Campaign to partner with an organization which could dispense education in children's rights in schools, I believe the benefits of this partnership would be multiple: It is an efficient way to spread the Campaign's pro-CRC message to those who feel most concerned by the CRC today: children. By conducting public awareness raising activities in schools on the CRC, children will come to know the Convention. They may even choose to become advocates for its ratification, by hosting awareness raising activities in their own communities. Thus, children's rights education in schools would not only permit the Campaign to spread their message to a large audience, but it would also permit the Campaign to recruit a new generation of future CRC advocates to its cause. The recruitment aspect is crucial since the CRC appears to have a long road to ratification ahead of it, and it is questionable whether the present representatives of the children's rights movement will ever see ratification. It is in the interest of the children's rights movement to recruit its future members from the youth. The children who would choose to join the pro-CRC cause could also be given the opportunity to participate in the Campaign, by giving their opinions on new advocacy strategies. In such a way, the Campaign may go as far as to get children actively involved in their CRC-advocacy. I believe that the Campaign has neglected this opportunity for youth participation, and that its realization would go far to inject new and exciting advocacy techniques and strategies into a stalling Campaign.

## Conclusions

In their insightful work on social movement dynamics, Meyer & Staggenborg (1996) contended that human rights activists seeking to act effectively in the political arena must always seek out new venues and strategic opportunities to promote their agendas. Perhaps most importantly, successful human rights advocates must constantly re-examine the nature of their claims to ensure that the majority of the public views their cause in a positive light.

This paper has demonstrated that the CRC-ratification debate is both a legal and social phenomenon. By conceptualizing the debate as a social movement phenomenon, this paper sought to provide a deeper understanding of the interaction taking place between the children's rights movement and the parental rights movement. Pro-CRC and anti-CRC groups, in fact, pursue the same goal: to protect American children, although the means they propose to achieve this goal are radically different. Pro-CRC groups embrace the CRC and seek to persuade the American public of the benefits of ratification. In their view, international law would offer additional protections to those which are already enshrined in American law, and allow for the process of child empowerment. Anti-CRC groups refute the principles of the CRC, and consider the Convention to be a foreign effort to pollute American law. These groups advance that child protection will be achieved only by adopting a US constitutional amendment aimed at inscribing parental rights into the American constitution. They therefore believe in the principle of parental empowerment. These anti-CRC advocates have ascribed to the ideology of American legal exceptionalism: they consider that the Convention has nothing to offer to US law, which is inherently superior.

Social movement theory has also allowed for the study of the campaign frames. It has been established that while pro-CRC Campaign would like to identify the CRC as a consensus document, ParentalRights.org has managed to taint the Convention with controversy, by advancing counter-arguments to the Campaigns claims. In order to better understand the mechanisms at play, this paper had recourse to Shareen Hertel's theory on blocking mechanisms. While Hertel used blocking mechanisms to describe the patterns of interactions which occur in transnational human rights advocacy (typically involving two or more States), this paper applied

Hertel's theory to a single-country context. As a result, it has been established that Hertel's theories can in fact be useful to understanding patterns of interaction between human rights campaigns occurring in a single country context.

By employing theories thus gleaned through the study of social movements, it appears clearly that the Campaign for US Ratification of the CRC emerged thanks to what Keck and Sikkink defined as the "boomerang effect". American children's rights advocates created the Campaign due to pressure exercised by international children's rights advocates. On the other hand, ParentalRights.org has emerged in opposition to the Campaign's children's rights claims, and can thus be said to concord with Hertel's concept of campaign emergence through "blocking".

Today, it is more than ever necessary for the Campaign for US Ratification of the CRC to review its advocacy strategies, since it is faced with an opposition which has deftly succeeded at undermining and vilifying their human rights claims. ParentalRights.org is one of a number of anti-CRC organizations which has staged repeated attacks on the Campaign and the CRC, and is in part responsible for delaying its ratification. By effectively resorting to blocking mechanisms, the opposition is well-positioned to continue to discredit the Convention and indeed the entire children's rights movement for the coming four years. Obama's second term will prove a crucial battleground for children's rights in the US: it is a new beginning, a new window of opportunity to finally achieve CRC ratification.

The recommendations I have put forward in this paper constitute a set of suggestions aimed at facilitating the CRC advocacy to be carried out by the Campaign for the next 4 years. Perhaps the most important point I sought to make was to underline the ineffectiveness of the present frame popular among US children's rights activists, which is to identify the CRC with children's rights alone. For the CRC is not solely about children and their selfish benefits. It is a text that recognizes the paramount role of the family: Children, parents and indeed society at large, as rights-bearers, hold the responsibility to create and maintain bonds of mutual respect. Were children's rights activists to recognize the potential resonance of this new rhetoric brought on by frame change, their advocacy may come to attract a hoard of new followers, among civil society and government alike.



Due to time constraints impose upon my research, there are a number of questions which I have not explored in this paper, but which I believe would merit further investigation. Namely, it is worth questioning whether the interaction between campaign and countercampaign has given rise to norms evolution: within the two networks engaged in the struggle, is there a dominant discourse pertaining to how the actors perceive and understand children's rights? And has this understanding of norms evolved in any way through the interaction of the two campaigns? This research could serve to identify the way in which actors on the ground participate in the creation and evolution of human rights norms. While research focusing on the State's role in this process abound, I believe that recognizing the power of non-State actors to influence norms evolution has been overlooked and should be the terrain for further academic investigation.

Also, the elaboration of this paper brought me to compare the strategies employed by pro-CRC organizations to the activities of other groups which advocate for CEDAW or CRPD ratification. I found that there are rifts within the US human rights movement: groups of activists have positioned themselves around one specific treaty, and are engaged in what appears to be a race for ratification. The race is a competitive one, while the separate activists advocate for the ratification of their separate treaties. In my view, an apparent lack of communication and collaboration between these different treaty advocacy groups does much to hinder the advancement of their agendas. Further research is necessary to understand the extent of real partnership that exists today between these different treaty groups, in order to propose means of facilitating future collaboration, for the sake of the advancement of the US human rights movement as a whole.

## Bibliography

- Albisa, C., Davis, M. F. & Soohoo, C. (Eds). (2007). *Bringing human rights home. A history of human rights in the United States*. Philadelphia, PA: University of Pennsylvania Press.
- Baker, P. (2010). *Obama puts his own mark of foreign policy issues*. New York Times. Retrieved 22.08.2012 from <http://www.nytimes.com/2010/04/14/world/14prexy.html>
- Barthes, R. (1977). *Image-Music-Text*. London: Fontana.
- Batliwala, S. (2002). Grassroots movements as transnational actors: Implications for global society. *International Journal of Voluntary and Nonprofit Organizations*, 13(4), 393-410.
- Belden Fields, A. (2010). Review: Stammers, N. (2009). Human rights and social movements. *Human Rights Quarterly*, 32(2), 454-457.
- Benford, R. E. & Snow, D. A. (2000). Framing processes and social movements: An overview and assessment. *Annual Review of Sociology*, 26, 611-639.
- Blanchfield, L. (2012). *The United Nations convention on the rights of the child: background and policy issues*. Congressional Research Service. Retrieved 03.09.2012 from [fpc.state.gov/documents/organization/153279.pdf](http://fpc.state.gov/documents/organization/153279.pdf)
- Bulmer, M. (1992). The ethics of social research, Ch. 4, 45-57, in N. Gilbert (Ed.) *Researching social life*, London: Sage.
- Butler, C. (Ed.). (2012). *Child rights: the movement, international law, the opposition*. West Lafayette, IN: Purdue University.
- Cohen, C. (1998). The role of the United States in drafting the convention on the rights of the child: Creating a new world fit for children. *Loyola Poverty*, 4(9), 25-49.
- Coomans, F., Grünfeld, F. & Kamminga, M. T. (Eds.). (2009) *Methods of human rights research*. Antwerp: Intersentia.
- Coomans, F., Grünfeld, F. & Kamminga, M. T. (2010). Methods for human rights research: a primer. *Human Rights Quarterly*, 32(1), 179-186.

- CRC Committee, *Concluding Observations: The United States of America* (UN Doc.CRC.C.OPSC.USA.2.2010). Retrieved 24.09.2012 from [http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.OPSC.USA.2\\_en.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.OPSC.USA.2_en.pdf)
- Crowley, J. E. (2009). Father's rights groups, domestic violence and political countermobilization. *Social Forces*, 88(2), 723-755.
- Cushman, T. (2011). The leading rogue state: The US and human rights. *Social Forces*, 90(1), 331-333.
- Daiute, C. (2008). The rights of children, the rights of nations: A developmental theory and the politics of children's rights. *Journal of Social Issues*, 64(4), 701-723.
- Dembour, M. B. (2010). What are human rights? Four schools of thought. *Human Rights Quarterly*, 32(1), 1-20.
- Diani, M. (1992). The concept of social movement. *Sociological Review*, 40, 1-25.
- Dixon, M. (2008). Movement, countermovements and policy adoption: The case of right-to-work activism. *Social Forces*, 87(1), 473-500.
- Dwyert, J. G. (1994). Parents' religion and children's welfare: debunking the doctrine of parents' rights. *California Law Review*, 82(6), 1371-1447.
- Engle Merry, S., Levitt, P., Serban Rosen, M., Yoon, D. H. (2010). Law from below: Women's human rights and social movements in New York City. *Law & Society Review*, 44(1), 101-128.
- Fagan, P. F. (2001). *How U.N. Conventions on Women's and Children's Rights Undermine Family, Religion, and Sovereignty*. Heritage Foundation. Background. No. 1407. Retrieved 10.22.2012 from <http://www.heritage.org/Research/InternationalOrganizations/BG1407.cfm>
- Fass, P. S. (2011). A historical context for the United Nations convention on the rights of the child. *The ANNALS of the American Academy of Political and Social Science*, 633, 17-29. Retrieved 24.01.2012 from <http://ann.sagepub.com/content/633/1/17>.
- Forsythe, D. P. (2008). Review: Schulz, W. F. (2008). The future of human rights: US policy for a new era. *Human Rights Quarterly*, 30(3), 810-817.
- Forsythe, D. P. (2011). US foreign policy and human rights: Situating Obama. *Human Rights Quarterly*, 33(3), 767-789.

- Fottrell, D. (2000). *Revisiting children's rights: 10 years of the UN convention on the rights of the child*. The Hague: Kluwer Law International.
- Franklin, A. & Franklin, B. (1996). Thatcher's children? Politics, childhood and society in the 1980s and 1990s. In J. Pilcher & S. Wagg (Eds.), *Growing pains: The developing children's rights movement in the UK* (p. 94-113). London: Farmer Press.
- Frickel, S. & Gross, N. (2005). A general theory of scientific/intellectual movements. *American Sociological Review*, 70(2), 204-232.
- Gunn, T. J. (2006). The religious right and the opposition to U.S. ratification of the convention on the rights of the child. *Emory International Law Review*, 20(1), 111-128.
- Hanson, K. (2012). Interpreting human rights. Social science perspectives. In M. Liebel (Ed.), *Schools of thought in children's rights* (p. 63-79). New York, NY: Palgrave Macmillan.
- Hart, S. N. (1991). From property to person status: Historical perspective on children's rights. *American Psychologist*, 46(1), 53-59.
- Hathaway, O. (2002). *Do human rights make a difference?* Faculty scholarship series, paper 839. Retrieved 05.03.2012, from <http://digitalcommons.law.yale.edu/fsspapers/839>.
- Henkin, L. (1995). U.S. ratification of human rights conventions: The ghost of Senator Bricker. *The American Journal of International Law*, 89(2), 341-350.
- Hennebel, L. (2009). Exceptionnalisme américain et droits de l'homme. In L. Hennebel & A. Van Waeyenberge (Eds.), *La "destinée manifeste" des droits de l'homme aux Etats-Unis*, (p.1-49). Paris : Dalloz.
- Hertel, S. & Libal, K. (2011). Paradoxes and possibilities: Domestic human rights policy in context. In S. Hertel & K. Libal (Eds.), *Human rights in the United States. Beyond exceptionalism*, (p. 1-22). New York, NY: Cambridge University Press.
- Hertel, S. & Libal, K. (Eds.). (2011). *Human rights in the United States: beyond exceptionalism*. New York, NY: Cambridge University Press.
- Hertel, S. (2006). *Unexpected power. Conflict and change among transnational activists*. Ithaca, NY: Cornell University Press.
- House, E. R. (1993). *Professional evaluation: social impact and ethical consequences*. Newbury Park, CA: Sage.

- Ignatieff, M. (2004). Introduction: American exceptionalism and human rights. In M. Kumm, *The legitimacy of international law: A constitutionalist framework of analyses*. *European Journal of International Law*, 15, 11-53.
- Iphofen, R. (2011). *Ethical decision-making in social research*. New York, NY: Palgrave MacMillan.
- Kammen, M. (1993). The problem of American exceptionalism: A reconsideration. *American Quarterly*, 45, 1-43.
- Keck, M. E. & Sikkink, K. (1998). *Activists beyond borders*. Ithaca: Cornell University Press.
- Khagram, S., Riker, J. V. & Sikkink, K. (Eds.). (2002). *Restructuring world politics. Transnational social movements, networks and norms*. (Vol. 14). Minneapolis, MN: University of Minneapolis Press.
- Kilbourne, S. (1996). U.S. failure to ratify the convention on the rights of the child: playing politics with children's rights. *Transnational & Contemporary Problems*, 6, 437-461.
- Klein, J. T. (1990). *Interdisciplinarity: history, theory and practice*. Detroit, MI: Wayne State University Press.
- Koh, H. (2003). On American exceptionalism. *Stanford Law Review*, 55, 96-139.
- Koh, H. H. (2007). Restoring America's human rights reputation. *Cornell Journal of International Law*, 40, 635-659.
- Kvale, S. (2007). *Doing interviews*. London: Sage Publications.
- Landman, T. & Carvalho, E. (2010). *Measuring human rights*. New York, NY: Routledge.
- Landman, T. (2006). *Studying human rights*. New York, NY: Routledge.
- Landman, T. (2009). Interpreting human rights. Social science perspectives. In R. Morgan & B. S. Turner (Eds.), *Political science and human rights* (p. 1-21). New York, NY: Routledge.
- Lane, L. L. (1998). *The parental rights movement*. *University of Colorado law review*, 69, 825-849.

- Lauren, P. G. (2009). Bringing human rights home. A history of human rights in the United States. In C. Albisa, M. F. Davis & C. Soohoo (Eds.), *A human rights lens on U.S. History: Human rights at home and human rights abroad*, (p.7-39). Philadelphia, PA: University of Pennsylvania Press.
- Lewin, C. & Somekh, B. (Eds.). (2011). *Theory and methods in social research, second edition*. London: Sage Publications.
- Lipset, S. (1996). *American exceptionalism: A double-edged sword*. New York, NY: W.W. Norton.
- Lipset, S. M. (1955). The radical right: A problem for American democracy. *British Journal of Sociology*, 6(2), 176-209.
- Lo, C. (1982). Countermovements and conservative movements in the contemporary U.S. *Annual Review of Sociology*, 8, 107-134.
- Madsen, D. L. (1998). *American exceptionalism*. Edinburgh: Edinburgh University Press.
- Marienstras, V. E. (1976). *Les mythes de la nation américaine*. Paris: François Maspero.
- Maynes, C. W. (1999). US unilateralism and its dangers. *Review of International Studies*, 25, 515-518.
- McCarthy, J. D. & Zald, M. N. (1977). Resource mobilization and social movements: A partial theory. *The American Journal of Sociology*, 82(6), 1212-1241.
- McCarthy, F. B. (1988). The confused constitutional status and meaning of parental rights. *Georgia Law Review*, 22, 975-1033.
- Mertus, J. (2007). The rejection of human rights framing: The case of LGBT advocacy in the US. *Human Rights Quarterly*, 29(4), 1036-1064.
- Meyer, D. S. & Staggenborg, S. (1996). Movements, countermovements, and the structure of political opportunity. *The American Journal of Sociology*, 101(6), 1628-1660.
- Mistral, G. (1958). *Poesías completas*. Madrid: Aguilar.
- Moran, J. (2010). *Interdisciplinarity*. Second edition. New York, NY: Routledge.
- Mottl, T. L. (1980). The analyses of countermovements. *Social Problems*, 27(5), 620-635.

- Peckham, M. (1998). New dimensions of social movement/countermovement interaction: The case of Scientology and its internet critics. *Canadian Journal of Sociology*, 23(4), 317-347.
- Platt, A. M. (1969). *The child savers: The invention of delinquency*. Chicago, IL: The University of Chicago Press.
- Popa, R. (2003). Rogue nation: American unilateralism and the failure of good intentions. *Politique Etrangère*, 68(3), 854-856.
- Powell, C. (2008). *Human rights at home: a domestic policy blueprint for a new administration*. Washington, DC: American constitution society for law and policy. Washington, DC: <http://www.acslaw.org/files/C%20Powell%20Blueprint.pdf>.
- Price Cohen, C. (2006). The role of the united states in the drafting of the convention on the rights of the child. *Emory International Law Review*, 20(1), 185-198.
- Rakove, J. (1998). *Declaring Rights*. Boston, MA: Palgrave Macmillan, 237 p.
- Rapley, T. (2007). *Doing conversation, discourses and document analyses*. London: Sage Publications.
- Rhys, W. (1995). Constructing the public good: Social movements and cultural resources. *Social Problems*, 42(1), 124-144.
- Rohlinger, D. A. (2002). Framing the abortion debate: Organizational resources, media strategies, and movement-counter movement dynamics. *The Sociological Quarterly*, 43(4), 479-507.
- Roskos, L. (2003). *International law, national sovereignty, and local norms: What's to become of CEDAW in the U.S.?* Boston consortium on gender, security and human rights. Working paper no. 103. Retrieved 07.07.2012 from <http://genderandsecurity.umb.edu/Roskos.pdf>
- Roth, K. (2010). *Empty promises? Obama's hesitant embrace of human rights*. Retrieved 17.03.2012 from <http://www.hrw.org/news/2010/2/24/emptypromises>.
- Rutkow, L. & Lozman, J. T. (2006). Suffer the children? A call for the United States ratification of the United Nations Convention on the rights of the child. *Harvard Human Rights Journal*, 19, 159-190.

- Saunders, W. (2002). *The UN threat to the family: bad treaties make bad law*. Family Research Council. No. 88. Retrieved 02.04.2012 from <https://www.frc.org/get.cfm?i=PD02G1>.
- Simons, H. (2011). Ethical issues in generating public knowledge. In B. Somekh & C. Lewin (Eds.), *Theory and methods in social research* (25-32). London: Sage.
- Stammers, N. (1999). Social movements and the social construction of human rights. *Human Rights Quarterly*, 21 (4), 980-1000.
- Tarrow, S. G. (1994). *Power in movement: Social movements, collective action, and mass politics in the modern state*. Cambridge: Cambridge University Press.
- Todres, J., Wojcik, M. E. & Revaz, C. R. (Eds.). (2006). *The U.N. convention on the rights of the child: An analysis of treaty provisions and implications of U.S. ratification*. Ardsley, NY: Traditional Publishers.
- UN General Assembly, (2002). Resolution adopted by the UN General Assembly, *A World Fit for Children*, 27<sup>th</sup> Special Sess. A/RES/S-27/2. Retrieved 06.03.2012 from [http://www.unicef.org/specialsession/docs\\_new/documents/A-RES-S27-2E.pdf](http://www.unicef.org/specialsession/docs_new/documents/A-RES-S27-2E.pdf)
- UN General Assembly, (2002). Verbatim report of the six plenary meetings of the Special Session on Children, 6<sup>th</sup> meeting, Friday May 10<sup>th</sup>, New York. Retrieved 18.09.2012 from <http://www.unicef.org/specialsession/docsnew/documents/A-S27-PV6E.pdf>
- Winthrop, J. (1630). A model of Christian charity. In A. Delbanco & A. Heimert (Eds.), *The Puritans in America: A narrative anthology*, (p.57-91). Cambridge, MA: Harvard University Press, 1985. Based upon the biblical text of Matthew 5:14-15.
- Wood, G. S. (2011). *The idea of America: Reflections on the birth of the United States*. New York, NY: Penguin Press.
- Yin, R. K. (2012). *Applications of case study research, third edition*. Thousand Oaks, CA: Sage Publications.

## Dictionaries

- Ethics. (1995). In S. Tulloch (Ed.), *The Oxford Dictionary and Thesaurus* (p. 505, 2<sup>nd</sup> ed.). Oxford: Oxford University Press.
- Principle. (1995). In S. Tulloch (Ed.), *The Oxford Dictionary and Thesaurus* (p. 1209, 2<sup>nd</sup> ed.). Oxford: Oxford University Press.



- Comportement collectif. (2009), In O. Fillieule, L. Mathieu, C. Péchu (Eds.), Dictionnaire des mouvements sociaux (p. 123). Paris : Presses de Sciences Po.
- Contre-mouvement. (2009), In O. Fillieule, L. Mathieu, C. Péchu (Eds.), Dictionnaire des mouvements sociaux (p. 154). Paris : Presses de Sciences Po.

## Annexes

### Annex 1: Campaign for US Ratification of the CRC petition to the President

The Honorable Barack H. Obama  
President of the United States of America  
White House  
Washington, DC 20500

Dear President Obama,

As leaders of American nonprofit organizations that work in support of children and families both here in the United States and abroad, we urge you to send the Convention on the Rights of the Child (CRC) to the U.S. Senate for ratification.

Around the world, the CRC is an important tool to promote protections and rights for the most vulnerable and marginalized children, and to support the importance of families and parents. I believe that it will strengthen our Nation's ability to help children overseas, and provide a framework to help us better address challenges facing children and families here at home. Mr. President, you are a champion for human rights and for children's rights. As you know, the United States stands with Somalia as the only holdouts from ratifying the CRC, the most widely accepted human rights instrument in history. The conspicuous absence of the United States as a party to the CRC undermines our Nation's international leadership role on behalf of children and families.

The United States cannot move forward on ratification, however, unless the President submits this treaty to the Senate for its advice and consent. Although Administration officials have promised to review the treaty, there is no specific timeframe for submitting it to the Senate. I ask you to submit the CRC to the Senate by the next Universal Children's Day. The United Nations and its member countries observe this day annually to promote the welfare and protection of the world's children. By sending the CRC to the Senate, Mr. President, you will demonstrate your commitment to the values enshrined in the treaty.

November 2012 marks twenty-three years since the UN adopted the CRC, and seventeen years since President Clinton signed it – I think that's more than enough time to review this important treaty.

Sincerely,

Name, Email, State of petition signer

**Annex 2: Resolution proposing an amendment to the Constitution of the United States relative to Parental Rights. Submitted to the Senate and to the House of Representatives on June 5, 2012.**

112TH CONGRESS

2D SESSION

H. J. RES. 110 and S. J. RES 42

Proposing an amendment to the Constitution of the United States relating to parental rights.

IN THE HOUSE OF REPRESENTATIVES JUNE 5, 2012

Mr. FRANKS of Arizona (for himself, Mr. OLSON, Mr. COFFMAN of Colorado, Mr. MANZULLO, Mr. BISHOP of Utah, Mr. JONES, Mr. HUNTER, Mr. MURPHY of Pennsylvania, Mr. WOLF, Mrs. MYRICK, Mr. HARRIS, Mr. FORTENBERRY, Mr. LANDRY, Mr. UPTON, Mr. TIBERI, Mr. LATHAM, Mr. HULTGREN, Mr. JORDAN, Mr. HUIZENGA of Michigan, Mr. PLATTS, Mr. NUGENT, Mr. MCCLINTOCK, Mr. CANSECO, Mr. DUNCAN of South Carolina, Mr. WESTMORELAND, Mr. BONNER, Mr. ROSS of Florida, Mr. PITTS, Mr. LAMBORN, Mr. HARPER, Mr. NUNNELEE, Mr. FLEMING, and Mr. PALAZZO) introduced the following joint resolution; which was referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relating to parental rights.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

ARTICLE

SECTION 1. The liberty of parents to direct the up-bringing, education, and care of their children is a fundamental right.

SECTION 2. Neither the United States nor any State shall infringe this right without demonstrating that its governmental interest, as applied to the person, is of the highest order and not otherwise served.

SECTION 3. This article shall not be construed to apply to a parental action or decision that would end life.

SECTION 4. No treaty may be adopted nor shall any source of international law be employed to supersede, modify, interpret, or apply to the rights guaranteed by this article.

**Annex 3: United Nations treaty collection, with information pertaining to the status of US signatures and ratifications (as of 13.12.2012)**

	UN human rights treaties	Adopted by the UN General Assembly	Entry into force	Signed by the United States	Ratified by the United States	Signat-ories	Parti-es
1.	Convention on the Prevention and Punishment of the Crime of Genocide	Dec. 09. 1948	Jan. 12. 1951	Dec. 11. 1948	Nov. 25. 1988	41	142
2.	International Convention on the Elimination of All Forms of Racial Discrimination	Mar. 07. 1966	Jan. 04. 1969	Sep. 28. 1966	Oct. 21 1994	86	175
3.	International Covenant on Economic, Social and Cultural Rights	Dec. 16. 1966	Jan 03.1976	Oct. 05. 1977	-	70	160
4.	International Covenant on Civil and Political Rights	Dec. 16. 1966	Mar. 23. 1976	Oct. 05. 1977	Jun. 08. 1992	74	167
5.	Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity	Nov. 26. 1968	Nov. 11. 970	-	-	9	54
6.	International Convention on the Suppression and Punishment of the Crime of Apartheid	Nov. 30. 1973	Jul. 18. 1076	-	-	31	108
7.	Convention on the Elimination of All Forms of Discrimination	Dec. 18. 1979	Sep. 03. 1981	Jul. 17. 1980	-	99	187

	against Women						
8.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Dec. 10. 1984	Jun. 26. 1987	Apr. 18. 1988	Oct. 21. 1994	78	153
9.	International Convention against Apartheid in Sports	Dec. 10. 1985	Apr. 03. 1988	-	-	72	60
10.	Convention on the Rights of the Child	Nov. 20. 1989	Sep. 02. 1990	Feb. 16. 1995	-	140	193
10.b.	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	May. 25. 2000	Feb. 12. 2002	Jul. 05. 2000	Dec. 23. 2002	129	150
10.c.	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	May. 25. 2000	Jan. 18. 2002	Jul. 05. 2000	Dec. 23. 2002	120	162
10.d.	Optional Protocol to the Convention on the Rights of the Child on a communications procedure	Dec. 19. 2011	Not yet in force	-	-	35	2
11.	Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	Dec. 15. 1989	Jul. 11. 1991	-	-	36	75
12.	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	Dec. 18. 1990	Jul. 01. 2003	-	-	35	46

13.	Convention on the Rights of Persons with Disabilities	Dec. 13. 2006	May. 03. 2008	Jul. 30. 2009	-	155	126
14.a	Optional Protocol to the Convention on the Rights of Persons with Disabilities	Dec. 20. 2006	May. 08. 2003	-	-	91	76
15.	International Convention for the Protection of All Persons from Enforced Disappearance	Dec. 20. 2006	Dec. 23. 2010	-	-	91	37

**Annex 4: Statement of Senator John McCain and Senator Robert Dole before the Senate Committee on Foreign Relations in support of the Convention on the Rights of Persons with Disabilities. Pronounced on July 12, 2012.**

**Statement of Senator John McCain**

Thank you for that introduction. I am pleased to come before the Committee to offer my support for the Convention on the Rights of Persons with Disabilities and to be here on behalf of one of my closest friends, Bob Dole. Bob asked me to come before you and present his statement in support of this treaty. As you know, Bob has dedicated nearly his entire life to this country – through his military service and following that, many years in public service.

Senator Durbin and I began discussing months ago how we can work together, in a bipartisan manner and build bipartisan support for ratification of this treaty. We have been working closely with Senators Moran, Barrasso, Coons, Tom Udall and Harkin. The list of bipartisan supporters continues to grow.

And there's a good reason that the list of supporters is expanding. Protecting the rights of persons with disabilities, ANY persons, is not a political issue. It is a human issue, regardless of where in the world a disabled person strives to live a normal, independent life where basic rights and accessibilities are available. Disability rights and protections have always been a bipartisan issue and ratifying this treaty should be no different.

Ratifying this treaty will continue our global leadership to protect and recognize the rights of people living with disabilities that began almost 22 years ago with the enactment of the Americans with Disabilities Act. In fact, the 22d anniversary of the Act is later this month.

Some may question why the US needs to join the 117 other countries that have already ratified this treaty.

As I have traveled around the world to many countries and areas of conflict, I have seen firsthand the many members of our Armed Forces who have become disabled in their service to our country. I have also seen the countless numbers of victims in these areas of conflict that become disabled and must try to return to and assimilate into their own societies, few of which have anywhere near the basic protections and opportunities for independence that people living with disabilities have in our country. In many cultures children born with disabilities don't even have a chance. Ratifying this treaty affirms our leadership on disability rights and shows the rest of the world our leadership commitment continues.

Further, every action that we have ever taken on disability policy has been bipartisan. Being able to live independently is a basic human dignity that we support and is a value that we can help advance internationally through ratification of this treaty.

Many of you have served with Senator Dole and you know that he has been one of the true leaders on disability issues. And it is truly my honor to present his testimony in support of the Convention on the Rights of Persons with Disabilities.

**Statement of Senator Robert J. Dole:**

Chairman Kerry, Ranking Member Lugar, and members of this Committee ---

When I delivered my maiden speech on the Senate Floor on April 14, 1969, the anniversary of the day I was wounded in World War II, it was customary to speak about something in which you had a deep interest, and something about which you could offer some leadership. I chose to speak about a minority group, as I said then, the existence of which affects every person in our society, and the very fiber of our nation.

It was an exceptional group I joined during World War II, which no one joins by personal choice. It is a group that neither respects nor discriminates by age, sex, wealth, education, skin color, religious beliefs, political party, power, or prestige. That group, Americans with disabilities, has grown in size ever since. So, therefore, has the importance of

maintaining access for people with disabilities to mainstream American life, whether it's access to a job, an education, or registering to vote.

When we passed the Americans with Disabilities Act (ADA) in 1990, it was not only one of the proudest moments of my career, it was a remarkable bipartisan achievement that made an impact on millions of Americans. The simple goal was to foster independence and dignity, and its reasonable accommodations enabled Americans with disabilities to contribute more readily to this great country.

Americans led the world in developing disability public policy and equality and, while there are places that still have no rights for people with disabilities, many countries have followed our lead. In 1994, I wrote to the Secretary of State to ask that the United States include the status of people with disabilities in its annual report on human rights. To its credit, the State Department acted, and, since then, has included a profile on the rights of people with disabilities in each country in the world. Some of the news is good, but, in too many countries, people with disabilities remain subject to discrimination.

The United States supported approval of the Convention on the Rights of Persons with Disabilities (CRPD) in December 2006. On the anniversary of the ADA in 2009, the U.S. signed the CRPD. This landmark treaty requires countries around the world to affirm what are essentially core American values of equality, justice, and dignity. Now the package has been submitted to the Senate for your advice and consent. I want to express my personal support for U.S. ratification of the CRPD and to ask that you continue the proud American tradition of supporting the rights and inclusion of people with disabilities.

U.S. ratification of the CRPD will improve physical, technological and communication access outside the U.S., thereby helping to ensure that Americans -- particularly, many thousands of disabled American veterans -- have equal opportunities to live, work, and travel abroad. The treaty comes at no cost to the United States. In fact, it will create a new global market for accessibility goods. An active U.S. presence in implementation of global disability rights will promote the market for devices such as wheelchairs, smart phones, and other new technologies engineered, made, and sold by U.S. corporations.

With the traditional reservations, understandings, and declarations that the Senate has adopted in the past, current U.S. law satisfies the requirements of the CRPD. The CRPD works to extend protections pioneered in the U.S. to the more than one billion people with disabilities throughout the world. This is an opportunity for the U.S. to join its allies -- including Australia, Canada, France, Mexico, South Korea, the United Kingdom and Germany -- in continuing our historical leadership on disability rights.

Passage of the ADA constituted a proud moment in U.S. history, when we joined together as a nation to stand up for a worthy cause. Now is the time to reaffirm the common goals of equality, access, and inclusion for Americans with disabilities -- both when those affected are in the United States and outside of our country's borders. I urge you to support U.S. ratification of this important treaty.

Thank you